1894
(L.R.)

File No. 26
Serial No. 1-29.

Sub:- Reduction of assessment on Survey No. 20 of Kasavinahane village, Chikkamagalur Taluk, Belonging to Mr. Oliver.

G. R. S. IX-5]

Previous references.

L.R. 23-1881

1894
~~191~~
(L. R.)

File No. 26

Serial Nos. 1—29

Later references.

L.R. 21-1895—
L.R. 54-1896.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—29.

Part B for August 1894.

SUBJECT.

Reduction of assessment on Survey No: 20 of the Kesavanur village, Chickmagalur Taluk, belonging to Mr: Oliver.

Enclosed
Sub-Collr

Commenced

W D 38—G2E—50,000—24-7-18

General Records.

57

(General Serial No. 30.)

6

1894. 1760

Q 430

From

The Deputy Commissioner

Kadur District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 7th August, 1894

Despatched 8th " "

Received

Enclosures No. 1

General No. 64 / 1894-95
No.

Forwarding for orders Mr. C. F. Rice's letter praying for a change of tenure on his land known as No 20 measuring 759-11 acres in Kesamanane Village Chik-magalur Taluk and to retain it as a garden Reserve.

Recd 10/8/94

Pleased to quote the following references given in the letter:—

(1) Revenue Proceedings No 2077 / 88 & 23rd August 1888.

(2) Govt Prov. Cancl No: 1876 & 10th March 1894.

10/8/94 Recd: in Govt Records 18.8.94.

References pointed.

SB. 20/8. SB. 20/8/94

Submitted

Mr Rice does not want the land he may resign it.

The land if not taken up by others will be at the disposal of Govt & may be given as a Govt garden reserve.

If Mr Rice resigns it further reference will be necessary as the land was not planted, Mr Rice would be compelled to resign the whole land if he now urged that if the concession is refused for it not planted that he will resign all for the land to be sold for timber. Other planters may ask for similar concessions for change of tenure

Daly
B.B. 11/4.

The application of Mr Oliver to have the land on grass tenure as a game reserve cannot be entertained and Mr Oliver must ~~either~~ make up his mind either to retain it on the present tenure or resign it. If he elects the latter course the Govt may buy back the land either in one block or in conveniently small numbers and what will be realised from the sale - In the meanwhile the arrears due by Mr Oliver may be held in abeyance - Final order about as to whether the arrears are to be levied from him or not will be passed on the result of the sale (if effected) which must be effected from his valuation. If the land is not sold within a reasonable time the arrears must be wholly remitted.

Wellington 10/4/95

3

(9)

Read:-

No 571 dated 27th April 1894 from the Dy Commr, Kadur and letter No 383/5- dated 5th December 1894 and No 379/5- dated 11th December 1894 from the Dy Commr, Hassan submitting list of estates cultivated with cardamom in exposed situations of excessive rainfall and reporting as to the relief to be afforded by reduction of assessment.

Order thereon:- No 4217-19 & 1-11-95.
R 7340-92

The reports and Statements submitted by the Dy Commrs of Kadur and Hassan with the letters read above will be forwarded to the Supdt. of Revenue Survey for information.

2. The Supdt. Revenue Survey is requested to take steps during the ensuing field season to re-classify and re-assess all cardamom estates in situations unfit for coffee owing to either excessive rainfall or exposure. In estates or portions of estates under such disadvantageous

condition the maximum rate of assessment for coffee lands are inapplicable and they should be charged with reasonable rates of reduced assessment not less than 8 annas per acre prescribed under para 3 of coffee Rules for very poor lands or lands which have greatly deteriorated in their condition. The Superintendent is not expected to re-classify every cardamom estate as a matter of course or the whole of an individual estate a portion of which alone is poor or unfit for coffee. It will be sufficient for all practicable ~~effe~~ purposes of the relief contemplated, to apply the reduced rate of assessment as above directed where the need for the same really exists in his opinion. The Government desire to bring the revised Settlement into ~~force~~ effect during the current year and the Superintendent is requested to submit definite proposals in time to enable the Government to accord its Sanction to the same before the commencement

of the year's collection Season.

(Signed) C. Strominger
Revenue Secretary.

To. The Superintendent of Rev. Survey
" Dr Hammond of Kadur & Hassan.

Copies.

6

Kadwa 04-comm[illegible]

Kev: 2 & 20

11A

Copy of Secy's note

Letter No: 412 dt 10-12

(H.S).

Hon: Oliver has not asked for the reduction of the rate to Rs ... under para 3 of the Coffee Rules (Rev. Rule, Page 90). If he offers to retain the land by payment of the rate reduced but the Survey Cadre will have to be asked whether the nature of the land is such as to entitle its holder to the benefit of para 3.

24-12-95

Rev
6/1/96

Send them to Survey Supdt. Ask him whether in his opinion any conversion is necessary under the order (about condominium or coffee rule 3) rate. Ask him also whether the crops he has made in the matter of carrying out that order? reversion relief. Also whether it be proper to reserve the whole land or [illegible] to give them for cultivation in small [illegible] and also

Sent 10.6.96

Received 22.6.96

7 Sept. 1767

de mil sept cent soixante sept, le septième du mois de septembre avant midi, par devant nous notaires royaux soussignés de la principauté

(1) Victor de Ligny, capitaine d'infanterie au régiment de Condé, (2) Marie Louise de Ligny, son épouse, qu'il autorise à l'effet des présentes, demeurant ensemble à Ligny (3) Luxembourg.

(1) Vous paroissent les deux frères de Ligny, capitaine au régiment de Condé, et (2) Marie Louise de Ligny, son épouse, demeurant ensemble à Ligny, Luxembourg, lesquels ont fait et constitué leurs procureurs généraux et spéciaux

(1) Victor de Ligny, capitaine au régiment de Condé, et (2) Marie Louise de Ligny, son épouse, demeurant ensemble à Ligny, Luxembourg, lesquels ont fait et constitué leurs procureurs généraux et spéciaux

2. Auxquels (1) Victor de Ligny et (2) Marie Louise de Ligny ont donné et donnent par ces présentes tout pouvoir et puissance, spécialement à Me Edouard Lambert, avocat à la Cour, demeurant à Luxembourg, rue de la Boucherie, ici présent et acceptant, de pour eux et en leurs noms, lieux et places, comparoir devant tous juges, cours et tribunaux, et spécialement devant le tribunal de première instance séant à Luxembourg, et y

2. Auxquels (1) Victor de Ligny et (2) Marie Louise de Ligny ont donné et donnent par ces présentes tout pouvoir et puissance, spécialement à Me Edouard Lambert, avocat à la Cour, demeurant à Luxembourg, rue de la Boucherie, ici présent et acceptant, de pour eux et en leurs noms, lieux et places, comparoir devant tous juges, cours et tribunaux, et spécialement devant le tribunal de première instance séant à Luxembourg, et y

3. As regards (2), reference is invited to the Survey Dept. letter No. 389 dated 12th June, 96, forwarding a letter from the Registrar, together with a communication from the Secy. to the Land Court of Survey (Exhibit, list A).

4. As regards (3), there are three communications from the Registrar, viz:—

No. 858 dated 20th May 1896
No. 720 dated 4th April 1896
No. 908 dated 29th June 1896

The first of these was a report made with reference to plan No. 8284-36 R. 3185 dated 9th March, 96, on the subject of the reclamation of lands in the vicinity of Springs and Hill streets, in which it was decided that Mr Mewis Land at Ranelagh for the purpose and sale of which orders had already been issued, should not be disposed of but should be reserved by Govt. in accordance with that order, & the Registrar-General was informed

SE. No. 12

9 Mr. Clark [illegible] lands
[illegible] Mr. [illegible] and
Mr. [illegible] [illegible] Mr. [illegible]
[illegible] by [illegible] the amount
of arrears due thereon amounting
to Rs. 2557-2-11.

5. In his [illegible] report
7 No. 720 dated 4th April 1930
the Collector reported that Mr. Clark
disputed the [illegible] and
[illegible] the land as [illegible] and
that he was willing to part with
the jungle [illegible] the exception
of about 30 acres planted
with [illegible] for Rs. 15,000
without any deduction being
made for arrears due by him,
or in other words, for Rs. 17557-2-11.
The Collector recommended that
in accordance with Sec. XXXII
of the Land Rev. Rules, the
land may be [illegible] and
sold - the [illegible] proposed
is as follows: —
(1) the price of land [illegible]
with [illegible];
(2) the value of the jungle [illegible]
the present [illegible] of the
[illegible] will [illegible]; and

Churchill. That under Sec 15 of the
Repeal Act it is obligatory on the
part of the Dep Com- to sell the land
to the benefit of the defaulter.
He has on several occasions been
held that where power is given
to any officer to do an act for the
benefit of another, that the has
a right to compel the said officer.
to exercise that power in his in
terest. In other words the defaulter
in this new Province can compel the
Dep Com- to sell the land and credit
the proceeds to the defaulter's account
But as this is a point of some
importance I would send these
papers to the Lord Advocate and
ask him to favour the Govt with a
his opinion regarding the Dep Comrs
obligation to sell the land-
10. I do not know if any decision
has been finally arrived at regg
the road referred to by Mr Oliver
If this question has been decided
Mr Oliver may perhaps be given
the option of keeping up the arrea

and resuming the possession
of the land - before however
dealing with the matter finally
~~I should~~ the Govt Advocate's opinion
may be ascertained ~~obtained~~,
and ~~the~~ present information
regarding the proposed road
obtained from D.O.H. Secretariat

20/4(9)

1/. It has been pointed out by
the Dis Govt of Hassan that rule
19 of the Forest Rules refers only
to Govt Forests; and the order of
Govt simply is a wider applica
does not appear to be correct.
Govt Advocate's opinion on the
point also may be obtained

20/4(9)

3 Dec
Send the
all these app

(3) The Remainder of the page
to be left blank.

Mr Clarke suggested that
No 2 Road be sent to
the Court to first find for
the arrears due, and No 3 and
Afterwards if found necessary.

6. In his last letter No 908
(Copy filed 1896) Mr Mc Innes
wants Attention to the Recommendation
~~to this~~, left to Mr, and
adds that Mr Innes has since
suggested that if it be
decided to take the Foreclosure
Sale, that Portion in Land
Survey No 20, and according
to the Plan made at the direction
of Mr McPherson, he would
prefer to keep it and pay
off the arrears due upon
it.

Submitted for orders

4/8/96

Sub C Board Dr 4
4-8-96

7. The issuance of the Survey Sketch is conclusive; and the claim cannot have the lands comprised in the "Kesavamani Estate" (Survey No. 20) re-classified and resettled under the easy terms offered for Canda -nuwara lands.

8. 2 The order of resumption already passed is quite within the right of Govt as under Sec 15-9 of the R. of Regulation "the Govt may declare the occupancy in respect of which an arrear of land revenue is due, to be forfeited to Govt." There is no doubt that no such power is expressly re- -served in the Coffee Sannad, but the first proviso distinctly lays it down "that the said assessment shall be paid for each revenue year within the receiving Officer on or before the 31st March in that year, failing which it will be recoverable by the ordinary process of recovering arrears of revenue of land

remains in My Love." In Sec 156 of
the L. of Regulation one of such breaches
is "(b) by forfeiture of the occupancy
in respect of which the arrear is
due under Sec 159."
The action of Govt so far as it relates
to the act of resumption is quite within
its right and cannot be objected to
by Mr Oliver. He is not entitled
to any compensation and the
Dy Comr's letter to Mr Oliver of
the 7th April, 96 which the latter
is asked "to be good enough to
inform the undersigned what compensation he demands for the
land" is objectionable in accordance
with the above view especially after
he had given him the intimation
of forfeiture under the orders of Govt
on the 19th March 1896.

9. But the question now to be decided is:- What should be done with this land? The Dy Comr does not recommend its reservation on the ground of its affecting any springs, and I do not myself think that it is [illegible] to do so. Apart from this, I (

15 office note continued

98

12. The foregoing orders we communicated to the Govt Advocate and the D. P. W. Secretary, and the former now reports that in his opinion Rule 19 of the A Rules refers expressly to District Forests, seeing it finds a place in Chap 3 which refers to District Forests.

13. As regards Section 157 the Land Revenue Code the Govt Advocate, re- that he is of opin "declaring the fore "the holding "has

Vide Nos 95-95 RF 34-96 (Serial No 17) & 95-96 RF 143-95 (Serial No 15) dated 29/4/97

× Vide No 158 dated 31st May 1897

× Vide No 159 dated 31st May 1897

n the part of the Deputy 16
Commissioner to sell the
holding declared to have
been forfeited under Section
9 aforesaid."

Sd/- [illegible]

4/6/97

Mr DOW secretary's
reply is awaited.
Mayu remind
upon 1

M
15/6/97

Yes please M
17/6/97

17/6/97

Reminder sent.
18/6/97

para 6 and also
Please see 2nd Councillor's order
cited in para 10 above. The
Engineer reports that
proposed Babalusan Hill
road through S.No. 20
minamani village
last track lies
the trace re-
lerin-
oved

*No 2760 of 26 July 1897

Subject

180

Mr Olivers land

to Mr Stewarts

note of 14/12/97

I cannot subscribe
to the view that Scott
is not under an
obligation to sell
the land - If he finds
hereafter he cannot
perform it he can
then [illegible]
but before deciding
in this matter or
ask the Duke Court
he ought in consultation
with the Forest
Conservator (if any)
if any portion of
this land should
be reserved as
a site for Stewarts
Shop.

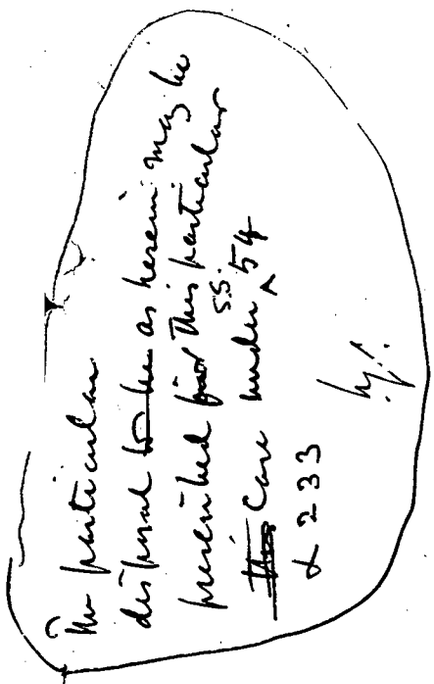
[illegible]
20/12/97

well over

[illegible] Well
[illegible] Case
[illegible] Oliver
[illegible] arrears
[illegible] 1892-95 inclu
[illegible]
[illegible]
[illegible]

Proposed
Condition
in the Go
Operation
only a Declaration
Sale Proceedings - Under
Section 17 of
the New Code, all Rights
must be kept in
Payment by the Defaulter
of the arrears due - that means the forfeiture must
be cancelled -
3. Now that it has been
decided by a Court of
Law that Land Use
Clause does not
Bar the Land Army
the Operation

4 - On the general Question
of the advisability of
Section 19 of the Forest
Rules, the Government
is of opinion that it
would be wise to District
Forests - But under
Rule 1, the exception
"District Forests" includes
all Communal



Solicitor

7-12-97

* The Parties before
wished to reserve some
of the land - ~~but~~
~~Act to rescind~~
When reservation is duly
what remains may be
~~granted~~ disposed of as Court
may decide.

The resumption has
been effected by way of
forfeiture under the
Land Law Code and
no rights pursuant to
Called for the occupant
in default - The
Law is clear & no amount
of opinion or Rule can
Directors alter it by
14/7/97

must have been a Court must be called before its grant & Sec clear — C

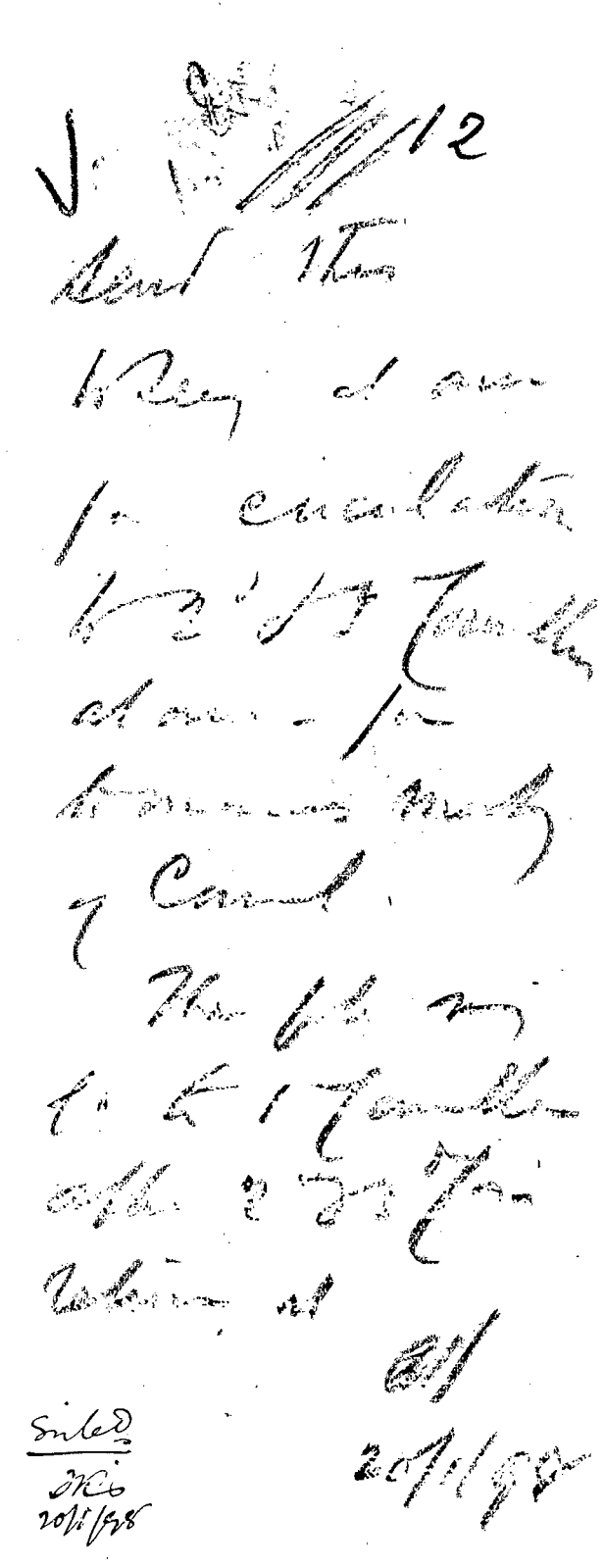
Edmon
10/7/97

9-7-97

I think all compli
cations will be saved
if as Mr Oliver
proposes we take
back the land &
pay the owners
compensation is
granted when
I do so. If he does
not pay, a portion
of it which the
Conservator wishes
to reserve as the
Waterworks of the
Upper may be
reserved thereout
sold in the best
& most beneficial
manner by the
Crown Court

Edmon
14.7.97

Solicitor & Secretary
15-7-97



13

Circular abroad

9

29-1-98

Received 3 Feb
at Adelaide
28/1/98

~~MEMO OF PAPERS CIRCULATED TO COUNCILLORS.~~

SUBJECT.

Restriction of encroachment in Survey No. 20 of Kesavaram Village, Vizagapatam Taluk. (Case of Mr. Shiva)

By order,

20. 1. 1898 for Secretary.

To—

Rajadharma Pravina
T. R. A. Thumboo Chetty, Esq., C.I.E.

P. N. Krishna Murti, Esq. C. J. E.
See note recorded
26.1.98

Khan Bahadur Abdul Rahman, Esq. 24-1-98

V. P. Madhava Row Esq. Secy.
The Secretary.

Vide 21-1-98

to what there is on record ?
with mutely would that with
regard to his land in dispute
there has been no clear order of
the forfeiture recorded by the
Dy Comr. Mr Oliver instituted
the appeal and agitated for
an easier rate. His first request
was to have the land as a game
preserve. This was refused.
No orders were passed regarding
the arrears. But the Dy Comr
was told that if Mr Oliver elected
to give up the land the same
might be split up into small plots
& the same sold - further orders
about the arrears were promised
after the result of the sale was known -
(Vide order 17414 of 12.4.95).
Mr Oliver then applied for reduced
assessment under the terms
of the order issued for the revision
of Land assessment, &
the sale of the land alone decided
was held in abeyance.
This was also refused - In the
meanwhile order of the 9th March

1896 was passed in which the Dewan directed as follows:

"Whereas land at Kalkatti for the division and sale of which orders have already been issued was reported by Mr Shanks to the Dewan during his recent tour as forest land where cultivation was likely to interfere with Govt. the land cannot be assigned under the condition of grass assignment and under the circs now brought to notice it is ordered that no such land should be reserved by Govt

---

The order was communicated to by the Dy Conr No 653 of 20th March 96 Mr Oliver the protected assistant on the 4th April 1896 and the ground that he had not required any portion of the land. The Dy Conr also thought that the reservation of the whole land was unnecessary & referred Mr's report suggesting the sale of the land in small numbers. From it is clear that while the holding of the arrears in advance was condemned by Govt there was no enforcement demand of any of that

amount. The notice given to Mr Oliver (No. 0/1481 of the 7th March 1916) does not use the word "forfeiture" at all - the wording used is "reserved". Laverton, on the 7th April 1916 the Dep. Comr in his No. E Enquires what proceeding is incompatible with a declaration of forfeiture on his part. Mr Oliver's compensation claim he wants. This

Declaration of forfeiture is, as I understand, a compulsory process for the recovery of the arrears of assessment. While section 159 gives the Govt power to make such a declaration S. 54 declares the nature, extent and effect of such a declaration & the declaration of forfeiture is for any other purpose than for selling the holding bars it & rule XXXVI requires the previous operation of Rule XXXV directs that the notice of demand should be issued in every case before any coercive process is employed - None of these provisions have been adopted in this case, & it will be arbitrary & indefensible if we assume the Land unconditionally S. 54 does not in any humble opinion warrant such a proceeding -

It is necessary to point out a striking difference between the wording of A & B forms of Sales attached to Mr Wobbe appendix - Form B of thirty years tenure refers to the Survey Guarantee - while A contains no such reference - I do not know if these forms have been amended - But in both it is distinctly laid down that if a person is not paid on or before the 31st March in that year it will be recovered by the ordinary process of recovering arrears of land revenue in Surplus. One of these processes is forfeiture under Sec 159 which empowers with the permission the act of selling & crediting the proceeds if any to the defaulters account.

On the whole I am not satisfied that this is a case in which survey No 20 of Kesaramane should be declared whatever else absolutely forfeited as even if such power exists in the Govt of which I am very doubtful - the proceedings in this case are defective, and it is offend both equitable principles to order any such forfeiture.

27.1.98

Proceedings of Meeting of the
Grand Lodge
Bengalee, held on 27th January 1858.

Right Worshipful:—

X X X

5. That this Committee do consider the
circumstances connected with Brother
Ramapersaud and Sreenarain of Chinsurah
& the conduct of Bro. Ramapersaud
towards the Deputy Grand Master
and to report the result of their
proceedings to the Grand Lodge, the
Deputy Grand Master to call a Special
Meeting of the Grand Lodge for the
purpose of receiving the Report of the
Committee.

Seconded by Bro. Ramchunder Ghose
and carried unanimously.

Bro. Ramchunder Ghose moved that
Bro. Ramapersaud be suspended from
all Masonic privileges until the Report
of the Committee be received and
considered by the Grand Lodge.

Seconded by Bro. Ramgopaul Ghose
and carried unanimously.

Bro. Ramchunder Ghose moved that
Bro. Sreenarain be suspended from
all Masonic privileges until the Report
of the Committee be received and
considered by the Grand Lodge.

Seconded by Bro. Ramgopaul Ghose
and carried unanimously.

The

the assay of the Bounce for-
bidden by law, and that the Cust-
ours of France informed that
if the orders to said land the
forfeited for which a Licence
than by law, such as Licence
for, he might make a Different
to Government according and
obtain its former Sanction
under pain of the Law XXXV
of the said Code Penal Code.

Entered at the Bureau

[illegible]

21

Sealed & sign'd &c.

Met in a letter asking for the reconsideration of an order passed in reference with a former Resolution of

13/3/98

I shall write to the Commissioner

13/3/98

13/3/98

11/3/98

I shall write to the Secretary of State & ask him if this matter is to be left entirely to the discretion of the Local Govt. & if not what instructions are to be issued

The papers are returned to the Secy in Chief with reference to my letter to the Commissioner of Salt

Rec'd & Sealed with Govt.

21/3

Sec. no 2 wrote to the Govt. Orders may be issued as proposed in the Commissioner's and Chief Secy's letter

19.3.98

1. Mr Shirley owns Survey No. 20 of Kesavinamane Village, Chikmagalur Taluk, measuring 7a 39g 11 & assessed at Rs 836-

D/Comm's No 674
27. 5. 94.
(6)

2. In 1894 Mr Shirley expressed for a change of the tenure from Coffee to Grass land at 4 annas an acre, for retention as a Game preserve

Rs No 17414 D. 2/1/95
R 2475
(7)

3. Government declined to entertain his application, but stated that he must either retain on the present tenure or resign the same, in which case, the D/Comm't may sell the land in one block or in small numbers, that the arrears (Rs 826. 12. 3 due for 93/94) due may be held in abeyance, and that final orders about it would be passed after receipt of the report of the result of the sales —

D/Comm's No 412
D W. 2/95
(11)

4. Before the above orders were carried out, the D/Comm't suggested that the land be treated as Cardamom land on reduced assessment, that Mr Shirley

be given the option of keeping the reduced rate, and that should he refuse to take up the land on these terms, it be reserved to Government as it is on the tops of hills &c ———

Before any order was passed on the above, the Govt. issued its proceedings of 9th March 1896 prohibiting cultivation within 50 yards of hill streams &c — Special reference was made therein to Mr Oliver's lands which were ordered to be resumed pointing out at the same time that they cannot be brought under Cardamom or Grass assessment ——

D. No. 8234. 36
D 3.185
By 9/3/96.
(12 A)

In accordance with the above the D.C. informed Mr Oliver that his lands had been resumed to Govt. on account of the arrears of Rupees 2557. 2. 11 due thereon ——

D.C. Camp No. 353
D 20. 3. 96.
(12)

Subsequently the D.C. forwarded copies of correspondence which took place between himself and Mr. Oliver, and stated that the latter disputed the right of the Government to

No 720 D 2/4/96.
(14)

Journal of the Proceedings of the
Govt of Mysore.

Bangalore, Friday the 28th January 1898.

Resolved as follows:—

× × ×

5. That taking into Consideration all the circumstances Connected with the proposed resumption and reservation of Survey No 10 of the Hessrin Inam Village, Chickmagalur Taluk, the Deputy Comr Kadur District, be asked to call upon Mr Oliver, the occupant of the said number to pay up the whole of the arrears due thereon upto the year 1894-95 inclusive, within such reasonable time as he (Deputy Comr) may fix and in default of such payment to proceed to realize the

Submitting a revised proposal ~~for consideration and orders~~, for the resumption of Survey 1920. 29 38

Order thereon:—

The Dy Commr Mr Carr States that he inspected Mr Oliver's land in April last and came to the conclusion that it would be a great loss if opportunity be not taken to regain possession of the same, considering its importance both as a Forest Reserve and as containing the head-waters of Several perennial Streams and affluents of the Somavahini river which flows through Jagar valley and eventually joins the Bhadra at Hebbé. He further states that the land runs from the top of the Bababudan Hills, hemming in two very important Streams on both Sides in a descent of over 1020 ft. & that the District Forest officer concurs with him in thinking that it

all the area known before I made over order of Mr. It is rather and for a while this area as known & under

to resume the case, and expressed his willingness to part with it for Rs 15000/-. The Dewan finally suggested that the land be divided into three blocks and sold for arrears of revenue —

In a subsequent reference the Dewan reported Mr Oliver's willingness to keep the land and pay the arrears if it be decided to take the Babatenden Hill road through it —

No 905 R 29. 6. 96. (15)

Under orders of the Revenue Councillor some correspondence took place between this office and the Government Advocate on the question of the Deputy Commrs obligation to sell a forfeited holding, and the Revenue Councillor afterwards submitted the papers to the Dewan with his recommendation that permission may be given to Mr Oliver to take back the land and pay up the arrears — The Dewan ~~[illegible]~~ that the resumption had been effected by way of forfeiture under the Land Revenue Code and no rights properly so called survive to

Note R 12. 7. 97.

Note R 14. 12. 97

the receipt in default -

The Revenue Councillor disagreed with the Dewani views, and before further decision, asked the Diwan to report if any portion of the land should be reserved as being the head-waters of springs —

To Dft No 5 of 4/43.95 dy 4.1.98. (24)

Meanwhile, Mr Weir the then Diwan had submitted a further reference on the subject to Govt after having an interview with Mr Oliver — In this Mr Weir considered it highly expedient for Government to take possession of Mr Oliver's properties or of that portion lying above the Bababudan hill road — Mr Weir also stated

Dft No 30 dated 23.12.95 (25)

(1) that Mr Oliver could not be responsible for arrears from the date the Govt announced its intention of subdividing & selling the land;

(2) that he was prepared to give up the whole for Rs 15000/-

(3) that Mr Sparke's statement that Mr Oliver had expressed his willingness to take the land upon arrears, if the Bababudan hill road ran through it, was a mistake; and

(4) that otherwise, Mr Oliver

(41)

Submitted Secretary

Kadiri Deputy Commr's
letter No. 167 dated 20th
September 1898 resubmitt
for reconsideration and
orders the question of
resuming Survey No.
20 in the Kesavana
-mane village, Chick
-magalur Taluq was
submitted to the Dewan
on 3.11.98, with RD 143-9
on the subject

12/5

13/5/99

I think it came back
the other day - Q

14-5-99

Yes - I gave him
L. Narayanaiyan
in reduced

Ref 14/5/99

Submitted with Ref
Yes - I am
sending a copy
of the order to the
Secy: to Govt: with
reference to his —

13/5/99

Received a letter from L. Narayanaiyan Esq Advocate
Bangalore City
Submitted with Ref
By reading the file had been sent to
Secy's house along with other papers that
were on his table

was prepared to abide by the original proposal of dividing the numbers into 3 sheets and selling them for arrears —

This reference went before the Offg: Dewan with the Revenue Councillors remarks, when the Offg: Dewan directed the matter being placed before the Council as there was a difference of opinion between the Dewan and Revenue Councillor —

The Council in their meeting of the 28th January 1898 resolved to call upon Mr. Reid to pay up the arrears due for 1894-95 and in default to realize the same in the manner prescribed by Law — Also stating the Plaintiff wished the land or in forfeited for disposal otherwise than by sale, he might obtain the sanction of Govt. —

Council Resolution of 28.1.98 & Govt proc.o 7479 of 9.2.98
143.95

(27)

This is from the time I have from member & how the Law of Complaint

With reference to the above final decision the Plaintiff her heir again urged the question of taking possession of Mr. Oliver's land above the Sabaredam Hill road, measuring about 328 acres, at a cost of Rs 648 but the Govt. ordered in Govt Letter of 5 Feb 98 21 that the land required for

Govt. Co. of Rs 570 of 5.2.98.

(28)

Govt. Co. of Rs 648 of 5.2.98
143.95

(29)

Govt. purposes may be acquired under the rules, unless Mr Oliver forfeits his occupancy by a further default —

The total amount of arrears due by Mr Oliver from 1893. 94 to 1896. 97 was Rs: 3535. 11. 9 — Of this, the Govt have foregone Rs 1679. 6. 1 and authorized the recovery of the balance —

Due Rs 3535. 11. 9
Amount ordered to be recovered as due to Govt for 1894. 95 — } 1855. 5. 8

Balance foregone by Govt — 1679. 6. 1
(For 95. 96 & 96. 97)

Mr. Oliver has been
Dismissed from
the Service
the further consideration
of his
Petition
1898

4
13-8-98

13/8/98

30

would be highly advantageous ~~for Govt~~ to Govt to retain the whole block ~~for reservation~~. He therefore recommends for acceptance the proposal of Mr Oliver to the effect that Govt should repay him Rs. 3479-4-1 being the difference between the full amount of his dealings, viz Rs. 3712-7-4, paid by him since 1893 and the arrears due by him to Govt for the years 1893-94 and 1894-95, viz Rs. 1633-3-3, he in turn relinquishing to Govt the whole of Sec: No 20, measuring 700 acres of forest with about 20 acres of ~~good~~ cultivation

2. Govt deem ~~that it would~~ have been better if Mr Oliver's proposal had been accepted to ~~retain~~ the whole. The ~~acquisition~~ area would in itself be satisfactory for the conservation purposes & Mr Oliver having been induced to ~~purchase~~ at a great cost.

The Dy Comm^r recommends ~~that~~ the ~~acquisition~~ of the

Dy Comm^r has to report whether the Govt will be benefited by the acquisition of the Survey No 20 of Kesavanamalai Village, Namakkal Taluk, Salem District.

Letter No
Dated
Subject

3479-4-

we are given
whole land for Rs. 3477-4-1
~~is very fair and reasonable and~~
is accordingly sanctioned.

The Dy Comm^r is requested to take early steps to refund the amount & see that Govt take possession of the land, the necessary entry should be noted in the village Khatawar. No portion of this land should be given out for private occupancy without the special orders of Govt.

Secretary

N
To. 2/11/25

The Dy Comm^r
Kaira District.

year, and prays that he may not be placed in the predicament to resign the land which is not likely to be taken up by others, and thus lie waste and yield no assessment to Government, and that the Govt may once for all be pleased to take his request into their consideration and grant the whole block on grass tenure of 4 annas per acre to be retained by him as a bona-fide game preserve.

3. I cannot say that the land if sold for arrears of revenue will not be taken up by others, but I doubt whether the whole extent of 759-11 acres which is not entirely fit for growing coffee or cinchona will be taken up by any body in those parts on coffee tenure as the land has been tried and found to be unfit for successful growth of coffee or cinchona. The land has however been assessed in the settlement as coffee land and if any change in the tenure is now to be effected, it would be an act of grace on the part of the Government, taking into consideration the fact which Mr Oliver represents

Records. 533

This file should be submitted to 2nd Councillor.

Please see Secretary's order on the slip below.

Sd.

15/5 Rd. 20.5.99

Rec'd 25/5/99

25/5/99 Rd 15/5/99

Noted Submitted with reference to Secretary's "Have it not got to go before the Council"

The orders of 7th Feb: 1898 were issued after Council Resolution. The subsequent order of 22nd March 1898 was issued in accordance with the opinion of the Attorney General & the 2nd & the 3rd Council. It seems necessary that the draft order now framed should be passed in Council as it is in modification of the previous orders.

Submitted 2/11/98

2/11/98

Appointment of Revenue Officers

Papers relating to Revenue orders and Notifications may be circulated & placed before the Council

2-11-98.

1 Diary No: 1760
R 430

Section LX
File No 26-1894
Serial No 1

Cfm 04
Enc: 1

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary to the
Government of Mysore

Sir,

I beg to forward herewith for orders of Government a letter dated — July 1894 from Mr G. P. Oliver, Coffee Planter of Kantanur, praying for a change in tenure on favorable terms of land to the measuring 159-11 acres which is now in his holding on coffee tenure and is situated in Kesavinamané village, Chikmagalur taluk.

2 This land which was originally taken up by Mr Oliver for coffee cultivation, before survey, measured 1050-11 acres. After the settlement he resigned 300 acres, and, retaining the rest for Cinchona plantation applied for a

permission of assessment for 5 years but it was refused ——— Vide Dewan's Proceedings No 22-144 dated 25th August, 1893. In 1886, however, the Proceedings of Government Camp No 18-5 dated 10th March 1887, was passed on the recommendation of the then Deputy Commr Mr Nicklejohn, on a lease for 4 years upto 1890-91 inclusive and subject to full assessment from 1891-92. Mr Oliver has paid up the assessment due on the land for all the past years and has to pay the assessment for 1893-94 which amounts to Rs 325-12-3. Mr Oliver does not in the least contend to say the arrears due for the last year, but urges that in spite of his efforts and outlay he has not been able to reap any benefit by it and is not likely to gain anything by it; as circumstances will not permit him to remunerate him for the tax which he has to pay on it &c, he will be obliged to relinquish the land next

year

The Deputy Commissioner
Sir.

I have the honour to bring to your notice the following facts regarding the land (65 acres) in the Kaniwadi Village Shirkumbar Taluq - Survey No 20 - and to ask that for will kindly forward my request for the favourable consideration of Government.

1. The land has been held by me since the settlement in 1881.
2. As I have already pointed out

in previous correspondence I have invested a great deal of money in the cultivation of fine cane which is now an uncommercial crop, and I have never got back a pie of my money.

I was unfortunate enough to have a great many fields of the canes burnt by a fire that occurred.

3. The land is situated in an out of the way place and it is almost impossible to obtain coolies in order to try any other experimental cultivation even if I was inclined to do so, after losing so much money.

4. In conclusion I may further add that my partner may be unable to pay his share of the rent any longer, and I am also unwilling to go on paying such a large sum yearly

7

4. (contd).

yearly without any prospect of ever obtaining enough from the land to pay the rent, so unless the Government will kindly take into consideration the following proposition, I have no alternative left me, but to allow the property to be put up for auction by the Revenue authorities for the present year 93-94 rent, as due, much as I regret being compelled to take such a course.

My proposition is, that I should be allowed to retain my present holding 1620 Cultivation together with, say, 350 acres of grass-land surrounding my land, that might be practical to me, or in all about 700 acres, at

Petn in Br.

Please put up the ref quoted.

18 R 1922

Pet 588
Gen. Serial No. 317

REVENUE DEPARTMENT
Gl. No. 352
No. R243.
16 JUL. 95
DEWAN'S OFFICE

1895

(54)

the letter does not affect
There is however, one cas
(area of 2) ac 12 gts
Nandibetta village
Koppa, which I think,
into this.

From The Deputy Commr
Kadur District

(8)

To The Secretary to the Government
Revenue
Dewan of Mysore.

Section LR
File No 26-96
Serial No 3
Dated 12th
Despatched 13th } July 95
Received

Enclosures—No.

General No. 34 } 1895-96.
No.

Stating that the land pro
posed to be retained by pe
tioner in Survey no 20 of
Kesavinamane village,
Chikmagalur Taluk will
be made a separate Su
vey no and dealt with af
knowing the result of the
sale of the remaining por
tions of the above number
and further report will be
made in November next.

Rer

Ref
21/15/7/95

Submitted for
orders—
The further report
promised may be
awaited

21/7/95

Taken to the Hd
Councillor - Q
4-9-95

Yes wait
21/7/95 Q

21/7/95

99 (5)

From The Deputy Commissioner
Madura District

To The Revenue Secretary to the
Government of Mysore

Dated 12th July 1895.

With reference to the Government Proceedings No 17414/R2475 dated 12th April last regarding the sale of Mr Oliver's land, Survey No 20, measuring 759 acres and 11 guntas in the Devavinamane village, Chikmagalur Taluk, has the honor to state that Mr Oliver having, on receipt of the above proceedings, requested permission to retain a portion of the said number the undersigned has, in anticipation of Government approval, informed him that in demarcating the land into conveniently small blocks, the portion proposed to be retained by him would be made into a separate survey number and dealt with after knowing the result of the sale of the remaining portions. The necessary subdivision will be done in November next when the present thick mist will disappear from the hills, and further report submitted with

a yearly rent of a small rate of Taxes per acre.

This land I wish to keep as a game preserve and I think I may assume that I am the first individual who has applied to buy this land for such a purpose.

I also pray, that should Government think fit to entertain the above proposal, that they will still allow me the option of cultivating a portion or portions of the land should I wish, on my giving notice to the Deputy Commissioner and that I may be bound to such portion or portions of land as they are [illegible] under cultivation, the remainder being taxed as proposed.

Should this proposal be accepted I shall be happy to pay the necessary

due, and of course I shall always be pleased of the honour of His Highness the Maharajah's presence, should he at any time wish to share our proposed pleasures -

I have the honour to be
Sir -
Your obedient servant
G. R. Clerk

10

Rough cal for Mr. S

(7)

Section LR
File No 26 - 94
Serial No 9

Read:—

Letter No 6 dated 7th August 98 from the Deputy Commissioner of the Kadur District, intimating for orders, his G. O. dated 1st [illegible] asking for a change of tenure of 20 his land survey No pertaining to 75 acres 1 Gunta in the Kasaranahalli Village, Tarikere Hobli - which is now held on Ryotwari tenure, Nagalur Taluk, and for ~~its retention on the same~~ ~~terms~~

Re 17414 dt 12.4.98
.524,75 15

Ordered:—

The application of Mr Oliver to convert land on Ryotwari tenure, ~~on the same terms~~ could be entertained, and he

of 4 annas per acre

must make up his mind either to retain it at the present time or resign it. If he elects the latter course, the Deputy Commissioner may try to sell the land either in one block or in convenient small numbers and the report what will be realized from the sale. In the meantime, the arrears due by Mr Oliver may be held in abeyance.

2. Final order as to whether the arrears should be levied from Mr Oliver or not will be based on the result of the sale being reported to this Office. If he elects to retain the land, the full arrears must of course be collected

12

from their initial delay.

12/4/95

Per Engineering.

12/4/95

11/4/95

Do Resolution Commissioner
Radium Street.

Gen. 31.]

REVENUE DEPARTMENT. Gl. No. 7955 R 5551 1896. 22 APR. 96 DEWAN'S OFFICE.

14

Section LR
File No 26-1896
Serial No 6

From

The Deputy Commissioner Kadur District

To

The Secretary to Govt: General and Revenue Department.

Dated 14
Despatched 18 April 1896.
Received
General No. 720 & 26-96.
No.

Enclosure No. one.

Submitting copy of correspondence between the Deputy Commissioner and Mr. Oliver regarding the order of Government directing the resumption of Kesvinamane Village, Chikmagalur Taluq, in which Mr. Oliver disputes the legality of the order &c, and making certain suggestions for the disposal of the Village.

Rev 21/4
Refs Govt
Rep
21/4/96

Deputy Commissioner's Office
Hadur District
Camp Santaveri 14th April 1896

From

The Deputy Commissioner
Hadur District

To

The Secretary to Government
General and Revenue dept

Sir,

In continuation of my letter No 653 dated 24th Ultimo, informing you that in accordance with Government Proceedings No $\frac{8234-36}{R\ 3185}$ dated 9th March 1896 I had informed Mr Oliver that Survey No 20, Hesavinamane village, Chikmagalur Taluk, would be resumed to Government on account of the revenue arrears amounting to Rs 2557-2-11, I now have the honor to enclose copies of the marginally noted correspondence between myself and Mr Oliver on the subject, by which it will be seen that Mr Oliver disputes the right of Government to resume the land in toto and states that he is willing to part with

1 To Mr Oliver No $\frac{C}{1481}$ dt 19-3-96
2 From Mr Oliver dt 4-4-96
3 To —do— No E dt 7-4-96
4 From —do— dt 9-4-96

with the particulars of the sale in question.

L. Allingham

Inst. For Deputy Commissioner
Madras District

Receipt for applicant.

16

(10)

To

The Deputy Commissioner

Kadur District.

No [illegible]
R. 1236/96

Dt. 4/12/95.

Section 2R.
No. 26-94
Serial No. 4

With Rr. 34 dated 12th Feby 1895 stating that the applicant proposed to be retained by Mr. Elliot in Survey Nr. 20 of Kevanmane Village, Chickmagalur taluk will be made into a separate Survey Nr. and dealt with after knowing the result of the sale of the remaining portions and Mysore Nr. 1 Mysore Government report will be made in November 1895.

Request that the further report promised in the above may be submitted at an early date. By order

4/12/95

2/12/95

Rev Secretary.

17

Gen. 31]

Section Ltr
File No 26-1894
Serial No 5
From

REVENUE DEPARTMENT
SOLICITOR'S
1 DEC 95
LEWAN'S OFFICE

The Deputy Commissioner
Chief District

To

The Queens Counsel
to the Government of
Ceylon

Dated 10th December 1895
Despatched 12th December 1895
Received

General No. 3
No.

Enclosure No.

Recd 13/12/95

Ref 14 13/12/95

Sd 16/12

Submitted for orders
M
17/12/95

Please read
regarding the reduction
assessment on Cardamom
Land mentioned & show here
what will be
now — Q

18-12-95

+ Vide note

Copy of order No 4217-19 8/1-11-95
R.F 340-92
is Sd as directed
SS
19-12-95

M
20/12/95

Enquiry and Correction

Mr Blair has not
asked for the reduction
of the rate & assess
under para 3 of the
Coffee Rules, but only
offers to relinquish the

Stating that the District
Surveyor reports as long since
- was engaged was unable
to undertake Survey &c of
Maniyamane Village, Kandy-
dingalle Estate; but advises
work will be taken up as
soon as possible, and suggesting
that the &c be dealt as
Cardamom land and the
assessment proceed as
is usual for crops, and the
option given to Mr Blair
of retaining the land on
the raised assessment &c

18

Chikwagbe, 10th December. 1895.

From

The Deputy Commissioner,
Kaduna District

To

The Revenue Secretary to the
Government of Nigeria.

Sir,

With reference to your Secret No. 5137/1896 dated 4th instant, requesting further report regarding Survey No. 20 of Kwaiwanane village, Chikwagbe Salt, I have the honor to state that owing to want of hands in this District, the District Surveyor had to be employed on other important works, and consequently he has not been able to sub-divide this Survey No. into smaller numbers as proposed by me, but this work will be taken up as early as possible under my personal direction.

2. I would however suggest that this land be treated as Cardamom land and the assessment reduced, as it is too wet and exposed for coffee, & that Mr. Oliver be given the option of paying this reduced rate of assessment. If Mr. Oliver should

9

Before to take it up on the above terms,
I would recommend that the land be
reserved by Government, as it stands
on the top of the hills and the felling
of the jungle might possibly interfere
with the rainfall and would certainly
interfere with the stream that takes
rise on it and flows into the Sagar
Valley.

I have the honor to be,
Sir,
Your most obt. Servant,

H H Sparke

Deputy Commissioner,
Kadur District

Asst

with the jungle with the exception of about 30 acres planted with cinchona for No. 5 estate without any deduction being made for arrears due by him to government which would amount to Rs 17557-2-11 for about 720 acres of land.

2. Section [illegible] of the Land Revenue Code lays down that in the event of the forfeiture of land under Section 64 and 65 of the Land Revenue Code such land may be subdivided and the arrears of revenue due and presume that this would also.

3. If such is the case I would beg to recommend that survey No 2 be divided into three survey numbers as follows:—

(1) The piece of cinchona already cultivated.

(2) The width of the jungle above the present track for the Bailadella hill road, and

(3) The distance of the jungle below the road,

that No 2 which is the road main- tain to government being jungle

running a long way in the hill, case,
he finds, calls for _____ arrears
of kanganyam and claims that fail
to get the required amount, viz Rs
2557-2-11, that the rate of progression
ceded with and the daily rate in Govt
Government, if considered necessary,
both which I am of opinion is not
necessary and which opinion I have
arrived at after consultation on the
spot with the Conservator of Forests
in Mysore.

4. Awaiting further orders on the
subject as to whether time, suggestion
and claim be carried out in this
Office, referred to a Civil Court to
substantiate his claim,

I have the honor to be

Sir

Your most obedient servant

[signature]

for Deputy Commr

Kadur District

24 Superintendent's Office
Akola Circle
Dt. 19th March 1896

From

The Superintendent
Akola Circle

To G. R. Alves Esquire
Accountant to the Executive
Engineer

No 0/1481

Sir,

With reference to the
Road of Kanheiramane village Buldana
-ing 795 acres 2 guntas, shown the
Khasra of-enclosure of Government
Receipt No 82 24-86 dated 7th March
R 3185
1896 on the above cited in Circle No
II accounts current with Revenue
Superintendent Akola Division of Govt
on account of Revenue of
Forest due upon timber, as follows:—

To balance Gunthy 1892-93 Rs. 3
Kandangaon 1893-94 ——— 306-7-
Akoshy 93-94 ——— 58-15-4
Kandangaon 1894-95 ——— 306-7-
Akoshy 94-95 ——— 58-0-4
Kandangaon 1895-96 ——— 306-7-
Carried forward Rs 787-2-1

Akola Circle
Superintendent
Superintendent

Draft as herewith

12½/1896

2 draft

(71)

From

The Secretary to the

Government of Mysore.

LR

26-1896

8 C 7

To The Superintendent of
Revenue Survey in
Mysore

Dated

Despatched

Received

General No. 10917

No. R.7.340-92

Enclosure No.

Has the honour to forward herewith, the file of papers as per list enclosed, relating to the proposed reduction of assessment on Survey No. 20 of the Kesavinamane village — Chikmagloor Taluk, in the holding of Mrs. Oliver, and to request that (the Supdt. of Rev. Surv.) he will be so good as to report if any in his opinion, any concession is necessary in this case under the orders of

for the Copyist —
one block in copying
the draft.

relates to the pamphlet
& letter from P.C. Kadur
53 d: 20/3/96 LL 14/6

of Government ~~No.~~ No. 4217-19
RF 340-92

dated 1-11-95 ~~(about Canda~~ regarding the reduct
~~- man or coffee rack 3)~~ assessment under p
~~The Survey Supdt will be~~ Coffee Rules for very poor la
~~good enough to~~ ~~there~~ lands which have greatly
~~also~~, what progress ~~to~~ in their condition, a
has been made in ~~the matter~~
~~of~~ carrying out the instructions
contained in the said order.
~~orders of revision and~~

~~relief above referred to.~~

By order

14/6/96
for Secretary.

FD
12/6

13/6/96

25

Resaca de la Palma, Texas
April 4th 96.

The Register & Receiver
U.S. Land Office
Brownsville, Texas.

Gentlemen:

I have the honor to acknowledge the receipt of your letter of the 2nd inst., giving over to an examination (Spanish) the communication of the Spanish authorities of Camargo, Mexico, addressed to me. I beg leave to call your attention to my letter of June 17th '95, you will find that I simply requested the Government agents to mark off 17 acres into suitable tracts and settle same under the Land Revenue Rules. Gentlemen are no doubt aware that I have a title from them, in which no mention is made of the reservation of land other than by the fractions by which excess of land are reservable under para I. of the said Title deed. They may also have noticed the fact that I bought the said grant

- Yours

property given a private education
and have expended a large sum of money
as I have already frequently stated
both in the first cultivation of Cha-
-lonia and it is not my intention for a
month to resign that position in which
I have taken so much interest in
any fashion, or any other portion of the
land, and I hold that Government have
no legal right to require the land in
any other way than by buying it at
a Revenue sale. I have however no
objection to sell the Government the
whole of Lemon Arbour the excep-
-tion of the land granted with Chaconia
(or say 20 acres) should they offer me a
fair price for it. In conclusion I beg
to point out that I claim compen-
-sation for land taken up for the
purpose of making the Barbadoes or
any other Government road passing
through my property.

I have the honour to be
Sir
Your obedient Servant
Signed J. R. Clive

1896 21

From,

The Deputy Commissioner
Akola District

To

G. R. Aiver, Esquire
Accountant
Akola

Dated 7th April 96 Camp to S.

With reference to his letter dated 4th instant stating that he is unable to pay the sum of Rs 20 of Encroachment village on consideration being the Crops, has the honour to request that Aiver to be good enough to inform the undersigned what compensation he demands for the land

Mr Aiver is informed that only a three days time is given for the grass but this time has not yet been upon Government yet and consequently the main line was no reason to not this question at present. As early apply is the question is a reference must be made

(76)

Deputy Commissioner's Office
Idader District
Chikmagalur 29th June 1896.

From

The Deputy Commissioner
Idader District

To

The Secretary to Government
General and Revenue Depto

Sir

With reference to your no 10937 R.J. 340-92 dated 14th instant requesting to report whether it is proposed to reserve the whole of survey no 20 of the Idecavina-mane village or to give it for cultivation in small and convenient numbers, I have the honor to invite the attention of Government to my letter no 720 dated 14th April last, in which it has been recommended to divide this number 20 into 3 separate numbers for being sold for the recovery of arrears due to Government by Mr Oliver, the holder of the land.

2. I may here mention that in the course of conversation with Mr Oliver few days ago, he informed me that should it be decided to take

28

Government.

Signed: W.W. Sparkes

Deputy Commissioner

Kaduna Province

Commissioner's Office

Sanitation

April 9th 26.

The Deputy Commissioner,

Sir

I have the honour to report that 7th month, during the time I was in Kachia Native Court to Government Station village and the neighbouring villages with Government Medical Officer for the purpose of inspecting Government property with a view to ascertaining what is required for the Sanitary Improvement of the Station and the neighbouring villages and to make such recommendations as I may consider necessary for the Sanitary Improvement of the Station

of date said by me on the said land since the settlement in 1881 and the usual interest on the same from that date.

Yours the honorable

Sir

Your Obedient Servant

Signed G. R. Ruiz

Copies

Appendix

No 7 to Report Commissioner

Crown Lands

No 1100

Survey Superintendents' office

Bangalore 29th ~~July~~ June 1896

To

The Secretary to the

ernment of Mysore

Sir,

I have the honor to —

acknowledge receipt of your letter —

Gl. 10917 dated 14th June 1896 forward-
R. Fr. 340-92

-ing a file of papers, herewith —

returned, on the subject of the —

proposed reduction of assessment on —

Survey No 20 of the Kesvinnane village.

2. The Orders of Government

contained in proceedings No 4217-19 dated
R. 71340-92
1st November 1895 had reference especially
to Estates suitable for cardamom cultivation
in exposed situations of excessive —
rainfall and therefore requiring relief.
The village of Kesvinmane of the —
Chikmagalur Taluk cannot be said to
afford a parallel case to those which
called forth the orders of Government
as above. The rainfall is not excessive
and the situation, although there may
no doubt, as stated, be certain dis-
— advantages, is not materially —
different

32 Chikmagalur Taluk Cardamom

2 drafts

1896

From The Secretary to the Government of Mysore.

13

To The Deputy Commr Kadur Dt

Dated 14-6-96

Despatched 18

Received

General No. 1093

RT No. 340-97

Enclosure No.

Lr 26-1894

8 8

His letter No 412 dated 10th Decr 1896, suggesting that Survey No 20 of the Kesavina-mane village, Chikmagalur Taluk be treated as Cardamom land & the assessment reduced, as it is unfit for coffee, that option be given to Mr Oliver to retain the land on ~~these terms~~ reduced assessment & that if he refuses to do so, the same be resumed by

Government &c.

35

Adverting to the above, has the honor to request that the Dy Commr which is glad is to report whether he proposes to reserve the whole land, or to give them for cultivation in small and convenient numbers, as already ordered by Govt.

By order

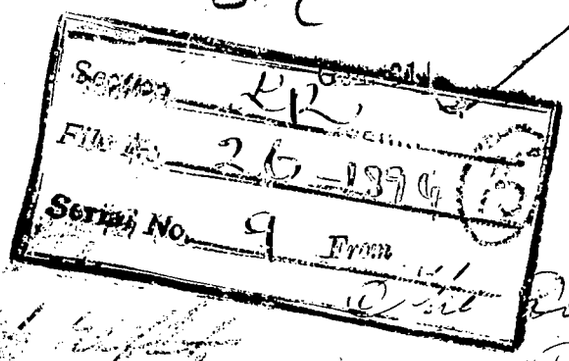
14/6/96

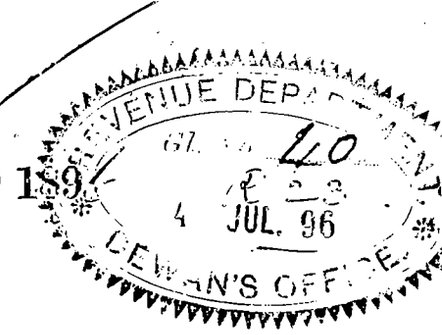
for Secretary.

12/6/96

13/6/96

34





Office
Mines & Railways
No. 720 A: 14/4/96 Applt
Section 7 with Sketch
Land Office Ft.
Land Commissioner's Enclosure interp.

Land Entry
Fine Elec. Exhaust &c
Ft
4/7/96

Remit Commissioner
Chinese Diviet

To
The Chairman & Govt.
General and Revenue Agents.

Dated 2nd June 1896
Despatched 1st July 1896
Received

General No. 778 E 1896
No.

Enclosure No. -

Reporting that Mr Price is
desirous of leasing Lawrence
& of Chinaman name Ching
Chin Engineer Sale Dredge
up the river Adelaide in
Case it is decided to sell
the Government will part
Things that Survey Examiner,
Minister & will be already
Reported, directed into Things
and Land by Auction

Rec 3/7/96

Rep 4/7/96

35

Deputy Commissioner's Office
Kadur District
Chikmagalur 24th June 36.

From

The Deputy Commissioner
Kadur District

To

The Secretary to Government
General and Revenue Dept.to

Sir

With reference to your No. 1993-R.D.3-4-36 dated 4th instant requesting to report whether it is proposed to renew the whole of survey No 20 of the Kecanur-mane village so to give it for cultivation in small and convenient numbers, I have the honor to invite the attention of Government to my letter No. 20 dated 14th April last, in which it was recommended to divide the number so into 3 separate numbers for being sold for the recovery of arrears due to Government by the Pattadar, the tenant or of the land.

2. I may here mention that in the course of conversation with the Amildar a few days ago, he informed me that should it be decided to sell

87

Section 12
File No 26-1894
Serial No 10

(General Serial No. 30.)

189

From

The Supt. Mys

REVENUE DEPART. Gl. No. 9-7-3 JUN. 1896 DEWAN'S OFFICE

(6)

To

The ~~Chief~~ Secretary to the ~~Dewan~~ Government of Mysore.

Dated

Despatched 29th June 1896

Received

Enclosures No. one file of papers

General No. 1100
No.

In reply to Secretary's Serial No 10917
R. 7340-96

SUBJECT.

8/14. 6. 96

Submitting opinion on the subject of the proposed reduction of assessment on Survey No 20 of the Hesaraimane Village, Chik- -magalur Tk. 4040

References (to be entered only in the Dewan's Office).

Ribbon ref for orders M 30/6/96

Office examine the papers & submit Draft Letter M 30/6/96

Abstract 97
27

different from that of other estates
in the same locality which have
been fully assessed under the office
Rules. The orders of government of
1st November 1895 as above cannot
in my opinion be applied to any but
Estates situated on and near the
Ghats, such for instance as Kadnam
of the assessment on Survey No 20
of the Kesrennane village is to be
reduced the grounds for doing so
must be quite different from those
laid down in the orders of 1st

November

November 1895 which apply specially to cardamom lands and to lands situated near the ghats.

3. The Deputy Commissioner states at para 3 of his letter No 54 of the 7th August 1899 as follows:- "I doubt whether "the whole extent of 757-11 acres which is "not entirely fit for growing coffee or cinchona will be taken up by any "body on these facts as coffee lands "as the land has been tried and found "to be unfit for successful growth of "coffee or cinchona." He closes in his letter

letter dated July (no other date) 1894 says
the land is situated on an out of the
way place and it is impossible to obtain
Coolies. Reserve is certainly somewhat
out of the way but so also are other
Estates for which the same concession
might be asked as is now asked for
Reserve.

4. I have no doubt that the Planter
has stated his case very fairly and
that he finds it impossible to cultivate
the land under reference economically
if he has to pay full coffee —

assessment —

2 Drfts
Draft proceedings

(8)

(18)

To.

The Govt Advocate.

Section 2R
II No 26-1894
Serial No 12

Dated. 29/4/97
3-5-96 Sm3
No. R.7.143 95-

In forwarding herewith for reference and return, the marginally noted papers on the Subject of the resumption of Sur: No. 20 measuring 7 59 — A 11 G in the Kesavinamane village, Chikmagalur Taluk, on account of arrears of revenue due thereon by Mr. G. R. Oliver, Coffee Planter at Santaveri, I am the hon to request that the Govt Advocate will be good enough to favor Govt with his opinion as to whether it is not obligatory on the part of the Dy Commr to sell the

Govt Proc: No 2234-36 & 9th
R.3185-
March 1896.
Extract of para 1 of letter
1.653 & 20th March 1896
from the Dy Commr. & Pro 12
Kadur to Collect.
Letter No. 720 & 14-4-96 with
Enclosures from the
Dy Commr, Kadur Distt.

P No. 14.

7853
5351

in question in the interests of the defaulter,
Land, taking into con-
sideration the following
~~observations~~ facts.

The order of resumption
already passed is quite within
the right of Govt., as, under
Section 159 of the L.R. code,
the Dy Commr may declare
the forfeiture of an occupancy
in respect of which an arrear
of land revenue is due. ~~There~~
~~is no doubt~~, It is true that no such
power is expressly reserved
~~to Govt~~ in the Coffee Saimad, × vide Page 177 of the Rev.
but the first proviso distinctly
lays down "that the said
assessment shall be paid
for each revenue year to
the proper receiving officer
on or before the 31st March in
that year, failing which, it
will be recoverable by the
ordinary process of recovering
arrears of Land Rev: in Mysore".
One of such processes described
in Section 156 of the L.R. Code

assessment, but it strikes me as a —
dangerous precedent to reduce assessment
on land situated in a local settlement
be considered, on the whole, suitable for
the growth of coffee. I very much doubt
if the owner would find the land
remunerative even at a small round rate
of eight annas an acre. It rather —
appears to me that he is unwilling
to give up his Estate and would even
retain it at a loss for purposes other
than coffee or cinnamon growing. —

5. It is entirely for Government
to

Draft in reference orders

To.

The Secretary to
Govt. D. P. W.

Section LK
No 22-1220
Serial No 13

Dated. 29/4/97
3-5-
No 95 97 M1
64-7-143-95

With reference to the
accompanying extract of
para 2 of letter No 908 dated 22nd
June 1896 from the Dy Commr,
Kadugannawa District, regarding
the proposal to take the
Balebadeniya Hill Road thro'
Sur: No. 20 of Kesawinnane'
village, Gilimalai Talauk,
belonging to Mrs G. A. Oliver
of the Santaverie Estate, has
the honor to request to
be informed how the question
of opening the proposed road
stands at present and whether
it has been decided to take

XP 20 15

the Same thro (43)
the land in question.

"By Order"

29/4/97

29-4-97

27/4/97 Secretary

26/4/97

to consider whether, without establishing a dangerous precedent, some concession can be made to the claim in consideration of the large amount he has already paid in the way of assessment without getting any return. The case is a somewhat hard one but if any concession is to be made it must be on general grounds and not on the orders relating to cardamom lands which are not applicable to the case under reference.

65

I have the honor to be
Sir,

your most obedient Servant

Supt Alleghany Reserve Survey

(96)

Gen. 31]

GOVERNMENT OF MYSORE

189

REVENUE DEPARTMENT
Gl. No. 8125
Rev. 5589
JUN. 97
DEWAN'S OFFICE

(21)

Section LR
File No 26-94
Serial No 15

From The Government Advocate in Mysore

To The Secretary to the Government of Mysore

Dated 31st May 1897.

Despatched

Received

General No. 159
No. 1

Enclosure No. 3

Submitting opinion regarding Section 159 of the Land Rev. Code & the rules framed thereunder

Rec'd 1/6/97

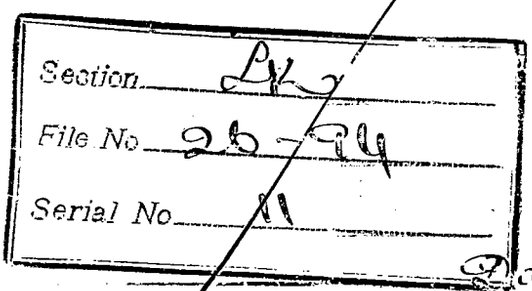
Rep 2/6/97

Reference made
upon
7/6. GN

Encls & Remarks

(17)

To.



The Govt Advocate.

Dated. 29/4/97

No 9595 Sm 4

R 7-34-96

In forwarding herewith for reference, the marginally noted papers on the subject of the reservation of Lands within Reserved Springs vea from coffee & Cardamom cultivation, I have the honor to request to be furnished with ~~the~~ opinion ~~of the Govt Advocate~~ as to whether, as pointed by the Dy Commr Malsur Dist, ~~Encl 19~~ of the Forest Rules of 1878 refers expressly to Wynaad Forests ~~and to private persons~~ ~~party~~

Encls —

1) Proc: nos 8234-36 & 7-3-96
R 3185

2) " 8927-30 & 31-3-96.
R 3451

3) " No 9388-91 & 15-4-96.
R 3626

4) Copy of letter No 878 & 6/4/96 from the Deputy Commr, Wynaad District.

R No 7 of 97-34-96

(48)

Gen. 31]

REVENUE
Gl. No. 8756
189 7 R 597
JUN 07
DEWAN'S OFFICE

Section LR
No 26 94
Serial No 6

From The Chief Engineer
of Mysore.

To The Secretary (22)
to the Govt of Mysore.
General & Revenue Depts

Dated Bangalore 26th July 1877.

Despatched

Received

General No. 2760
No.

Enclosure No.

Forwarding copy of Cadet Asst Executive Engineers etc 121 of 8th instant, addressed to the Superintending Engineer Western Circle stating that the Bababadan Hills Road Extension passes through Survey etc 20 of Kasaumane Village &c.

Rw 2896/77

Reference to portion
2/7 SS. Continue Gfunder

2/7/77

Attended to
28.5/7/77

Subd letter Asst Engr
in charge.
6/7/77

8th June 1897.

No. 121

From The Executive Engineer
Madura Division

To. The Superintending Engineer
Western Circle.

Superintending Engineer's No. 678 of 20th May 1897 enq
if the trace of the Babarbudan Hill Road Extension pas
through Survey No. 20 of Rasamimmanu Village.

I have the honor to state in reply that the road pas
through Survey No. 20 referred to in the above.
(2) Price Cost. Track has been cut along the trace recomm
by the Superintending Engineer and approved by Govern
(3) The question of lands to be taken up for the extension is
in the Revenue Department. Vide Chief Engineer's No. 764
August 1896 to Deputy Commissioner. Statement of la
be acquired has been prepared, and the question of
-pensation to be paid is, it is understood, being co
in the Revenue Department.

Sd/ A. Ranga R
Offg. Executive Engi
Madura Di

No. 2760

Copy forwarded to the Secretary to the Go
of Mysore, General and Revenue Departments, wi
to his No. 9597 dated 29th April 1897.
R.F. 140-95

Dy Sph Chief E
of M

Bangalore.
26th June 1897.

property of land acquired
have already become
private properties, having
been granted unconditionally
and cannot be given under application
of Section in Govt. Pass No. 3234-36 dt. 9th March 1960.
R 3185

By Order

29/4/97
JL

29-4-97

27/4/97 Secretary

26/4/97

5

is the forfeiture of the company under Section 159. ~~Hence~~, however Govt think that under Section 159, it is obligatory on the part of the Dy Comm^r to sell the land for the benefit of the ~~defaulter~~ defaulter, as it has, on several occasions, been held that when power is given to an officer to do an act for the benefit of another, that other has a right to compel the said officer to exercise that power in his interest. ~~In other words, the defaulter can compel the Dy Comm^r to sell the land and credit the proceeds to the defaulter's account.~~ ~~Whether it is obligatory on~~ ~~the Dy Comm^r to sell the land in question which has been forfeited, it~~ I am therefore to enquire

By Order

29/4/97

29-4-97

27/4/97

Secretary

573

Gen. 31

REVENUE DEPARTMENT
Gl. No. 2126
R. No. 5590
- 2 JUN. 97
1897 DEWAN'S OFFICE

20

Section LR
File No 25-96
Serial No 14

From The Government Agent in Mysore

To The Secretary to the Government of Mysore

Dated 31st May 1897

Despatched

Received

General No. 154
No.

Enclosure No. 4

Submitting opinion, regarding Rights of the Forest Rules.

Read 1/6/97

Referred to

Referred to
4/8/97
7/6

54

Office of the Government
Advocate in Mysore

No. 158
Encl. No. 4

Bangalore 31st May 1897.

From

The Government Advocate
in Mysore

To

The Secretary to the
Government of Mysore.

Sir,

(17)

With reference to your letter No. 9595, R. F. 34/96 dated 29th instant, and received on the 30th instant, I have the honor to state that according to Rule 19 of the Forest Rules a Sale by public auction at place in Chittur 3 miles, refers to District Forest and I am of opinion that Rule 19, refers exclusively to District Forest.

2 The enclosures of the letter under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant.

Government Advocate

(166)

the land in or about 1880 by private purchase took it for coffee cultivation before the settlement and it then measured 105 acres-11 guntas He resigned 300 acres after the settlement. The acreage of the number now is 759-11, assessment 759-- A. G.

4. In 1883, Mr Meiklejohn, the then Deputy Commissioner recommended remission for 5 years of the annual assessment. This was not sanctioned by Government.

(2)

G. O. No 2977/144 dated 28-8-83.

5. In 1887, Government however as a special case sanctioned in their order No 1815 (5) dated 10-3-87, the following alue tenure.

1886-87 } Free of assessment
1887-88 }

1888-89 }
1889-90 } Half assessment.
1890-91 }

6. Mr Oliver in 1894 applied for change of tenure from coffee to grass, ie 4 annas per acre.

this was recommended to Govern-
ment.

7. Government in their order No 17414/A2475 (7) Serial No
dated 12th April 1895, declined to sanction
the change of the tenure and observed
that Mr Oliver must make up his mind
either to retain the land on the present
tenure or to resign it. Government also
directed that if Mr Oliver elected the
latter course, the Deputy Commissioner
might try to sell the land either in one
block or in convenient small numbers.

8. Mr Oliver in a letter dated 17th June
1895 expressed his willingness to retain
a portion of the said number. This was
reported to Government, and it was
further reported that in dividing into
convenient small blocks, the portion
proposed to be retained by Mr Oliver,
would be made into a separate number.

9 Mr Sparkes in his letter No 412 dated (11) Serial
10th December 1895, suggested to Govern-
ment that the land might be treated
as cardamom land and the assess-
ment reduced, as it was too wet and
exposed for coffee, that Mr Oliver be
given the option of paying the reduced
assessment and that if Mr Oliver should

refuse

57

No. 159

En: 296

Office of the Government Advocate
in Mayone

Beauguine 31st May 1894

From

The Government Advocate
in Mayone.

To

The Secretary to the
Government of Mayone.

Sir,

(19)

With reference to your letter No. 13 Dec. 9596 / 143.95
dated 2nd Ultimo, but received on the 20th
instant, I have the honor to state that
pleading Section 159 of the Land Revenue
Code the rules framed thereunder, I
am of opinion that declaring the for-
feiture of the holding is only a preliminary
step to its sale for recovery of arrears of
revenue and that it is obligatory on the
part of the Deputy Commissioner to sell
the holding declared to have been forfeited
under Section 159 aforesaid

2. The enclosures of the letter under reply
are herewith returned.

I have the honor to be
Sir,
Your most obedient servant,

Government Advocate

Ref. Letters 59

Rec'd Regd 21/7

Rec'd 19.7.97

Section LR

File No 26-1894

Serial No 17

Left? The file is before the agreement.

Sd/- Foenisters.

22/7/97 22/7/97

REVENUE DEPARTMENT
Gl. No. 525
1897 C 299
10 JUL. 97
DEWAN'S OFFICE

From

The Deputy Commissioner
Kadur District (23)

To

The Secretary to Government
General & Rev. Department

Dated 18

Despatched 19 July 97

Received

General No. 48
No.

Enclosure No.

I have the honour to request the Secretary will be so good as to obtain the early orders of Government on this office letter dated 14th April 1896, No 720, submitting copy of Correspondence between the Deputy Commissioner and Mr Oliver regarding the order of Government directing the resumption of survey No: 20 in Kesarinamane Village the legality of which order

by buying it ab a revenue sale. Mr Oliver however added that he had no objection to sell to Government the whole of the land with the exception of the portion cultivated with cinchona should they offer a fair price for it.

13. In a subsequent letter dated 9th April 1896, Mr Oliver replying to Mr Sparkes specified the amount for which he was willing to sell the land that is to say, he was willing to part with the land with the exception of the portion planted with cinchona, for Rs 150000/- without any deduction being made for arrears due to Government by him.

14. This was reported to Government in this office No 720 (14) dated 18-4-96 and orders were solicited to sub-divide the number.

P. D 14

15. Mr Sparkes finally in his letter No 908 (15) dated 29-6-96, reported to Government to the following effect:-

"I may here mention that in the course of conversation with Mr Oliver a few days ago, he informed me that should it be decided to take the Babakenden Hill road

'through this survey no 20 of Kesavana-
'mane village according to the present
'trace made at the direction of Mr
'McHutchin, that he, (Mr Oliver)
'would prefer
'to keep the
'land and
'pay up the
'back assess-
'ment due
'upon it."

It will be noticed below that Mr Oliver now states that this assertion of Mr Sharkey is a mistake

16. No further orders have been received on the subject and the above brings the history of the case up to the present time.

17 The arrears due by Mr Oliver amount to Rs 3535-11-9 up to June 1897: as shown below.

Year	Assessment	Local cess		Total		Interest		
1893-94	759	47	7	806	7	146	14	10
1894-95	759	47	7	806	7	96	8	10
1895-96	759	47	7	806	7	46	2	10
1896-97	759	47	7	806	7	"	"	"
Balance of 1892-93						20	5	3
Total	3036	189	12	3225	12	309	15	9

3535-11-9

Mr Glover disputes, and

making certain suggestions

for the disposal of the said

survey number.

Deputy Commissioner

Kadur District

61 Draft as per order

(24) Vs

To

The Deputy Commr
Kadura District

Section LR
No 8b-1391
Serial No 18

Dated 4/4/1898

No 5-913 1143-3
corresponding entry in the

(23)

By Commr's docket No 4.8
Dated 16th July 1897, requesting
early orders on his letter No 7
of 14th April 1896, regarding
the disposal of Survey No 2
in the Kavaiinmanai village
Chickmagalur Taluk, in the
holding of Mr G. A. Oliver of
the Santaveri Estate, ordered
to be resumed for arrears of
revenue due thereon.

Referring to the above,
has the honor to request
that the Dy Commr will
be so good as to
report, in consultation
with the Conservator
of Forests, if necessary,
whether

20. It will be seen that (1) as already stated Mr Oliver assents to that the statement made in Mr Sharkey's letter of 29th June 1896 that in certain circumstances he (Mr Oliver) would prefer to keep the land and pay up the back assessment is a mistake, (2) that Mr Oliver claims that since the date when Government announced its intention of sub dividing and selling the land, viz 12th April 1895, no arrears should be charged, he not being responsible for the above steps not having been carried out, (3) that he is now prepared to let the whole land go (including the portion cultivated with cinchona which he hitherto wished to keep), if the Government will pay him a sum of Rs 15000/- and excuse the arrears, viz Rs 3535-11-9, (4) that otherwise he is prepared to abide by the original proposal viz. of demarcating the numbers into three blocks and putting them up to sale for arrears of Kandayem.

21 It now rests with the Government to determine what orders they will pass in the case.

22. Adverting to Mr Oliver's arguments

as stated in para 12 above, it may of course be assumed that it was not the intention of Government to resume the lands otherwise than in accordance with the Land Revenue Rules or by means of private negotiation.

23. Mr Oliver's offer to sell the land to Government involves the outlay of a considerable sum, viz a payment of Rs 15000/ and a remission of Rs 3535-11-9 of arrears, or of Rs 18535 odd in all. The amount asked for is not perhaps unreasonable from Mr Oliver's point of view, seeing that he has expended a sum of £ 3000/ on the property without receiving any return. In Kandayem alone Mr Oliver would appear to have disbursed a sum of Rs 5112-7-4. Mr Oliver's tenure of the land has certainly been unfortunate and his view that he is entitled to indulgent treatment is in the circumstances not surprising and may possibly be admitted by Government.

24. On the other hand, while admitting the hardship arising from the failure of the speculation, Mr Oliver's demand will probably appear to the Government, as guardian of the public revenues, excessive and the alternative of putting up the land to sale for arrears and then re-acquiring it is in

every

and what ≠
whether any portion of
the Land, referred to should
be reserved as being the
Head Waters of Springs &c &c;

"By order"

Secretary

29/12/97

24/12/97 26/12/97

5 63

ted for orders.
Please see this office
Reg No 50-2 3 & 4 Quarter
R 43-90
upon which further information has
been called for. — Asst. Secy. Lands

6/1/98

6/1/98

Section P&L
File No 26-1891 Dated 23
Serial No 19 Despatched 29th December
Received

General No. 440 / 1897-98.
No.

Enclosure No. —

Submitting for orders of Government the question of the Chiefs' tenure of Section No 20 of Hermannsburg Village, Chitrangbera Taluk.

This question has been discussed exhaustively. The concentration of Forest guards and protection of the Sandalwood on the banks of the Shegaon stream must be maintained & reserved —

The rent of the land will be split up into several Nos and sold for the benefit of the Owner —

The arrears from April 1895 to the Auction-Purchaser.

Mem. papers may be submitted with the Chief Secretary as soon as the Shegaon Land has received attention.

1897 R 2833

From The Dy Commissioner Kadur District

(25)

To The Secretary to Government Land Revenue Department

Refs cards 21/11/98

Rec 14/1

Submitted with refs which have been ordered to be submitted to the Hon Dewan.

21/1/98

15/1/98

(18)

REVENUE DEPARTMENT GL No. 4963 R 3005 14 JAN 1898 TRIVANDRUM

1898

From
The Deputy Commissioner
Kadur District

(26)

To
The Secretary to Govt
General and Revenue Depts

Dated 10th January 1898
Despatched 13th January 1898
Received Camp. Sampigekan.
General No. 465
No.

Enclosure No.

Section LR
File No 26-1894
Serial No 20

In reply to docket No. 591 RJ. 143.97 dated 4th instant calling for report in consultation with the Conservator of Forests, if necessary, what portion of Mr. Oliver's land, Survey No. 20 of Koninama-ne village, should be reserved as being the Head-waters of springs, &c, has the honour to invite attention of Government to the undersigned's letter No. 440 dated 23/29th ultimo, dealing with the subject

at

at length.

2. The undersigned begs to state that in para 25 of his letter it has been reported that, in view of the public interest and in pursuance of the policy of Government of reserving all head-waters and water-sheds of important forest areas, it is highly expedient for Government to again take possession of Mrs Oliver's property, or, at any rate, of that portion of it lying above the newly cut Bababuden hill road (referred to in Mr Sparke's letter No. 653 of 24th March 96).

3. In these circumstances the undersigned desires to be informed if any further report, in consultation with the Conservator of Forests, is necessary.

Deputy Commissioner
Kadur Dist[rict]

Chittagong
December 1897

From

The Deputy Commissioner
Hadir District

To

The Secretary to Government
General and Revenue Dept

Sir

I have the honor to address
Government in connection with the
long-pending question of the River
tenure of Chenery No 20 of Hexagina-
mane village, Chittagong District,
extent 70 acres - 1 gunta.

2 Before touching on the present
state of the question, the following
resume of the circumstances and
of the correspondence relating there-
to seems necessary. The land in
question is, it should be stated, on
the upper slopes of the Barkhuda
hills at no great distance from
the sanitarium of Hathazi.

3. The River having acquired
the

reduce the land be resumed to Government, as it stood on the top of the hills. Mr Sparkes stated that the felling of jungle might possibly interfere with the rainfall and interfere with the stream that takes rise in it and flows into the Jagan Valley.

10 In reply to the last reference Government in their order No 10937 (13) F.S. 345-92 dated 14th June 1892, asked the Survey Commissioner to report whether he proposed to resume the whole land or to give it for cultivation in small and convenient numbers as already ordered by Government.

11 In para 5 of G. O. No 834-35 dated F. 3.85 9th March 1892, Government ordered "Mr Oliveiro's land at Kaitatti for the division and sale of which tickets have already been issued, was reported by Mr Sparkes to be waste during his recent tour as forest land whose cultivation was likely to interfere with springs. The land cannot be brought under cardamom or grass assessment and under the circumstances now brought to notice, it should not

(122)

to Government accordingly and obtain their previous Sanction under para 4 of Rule XXXVI of the Mysore Land Rev: Rules.

4/2/98.

Secretary

4/2/98 4/2/98

To.

The Dy Commr
Kadur District.

Issue at once
Urgt

the disposal of land, & had declared reserved to Government.

12. The above orders of Government were communicated to Mr Oliver and thereupon in a letter dated 4th April, 1896 addressed to Mr Charles, Mr Oliver took strong exception to the Government proposal to resume the land. Mr Oliver referring to a previous letter of his to Mr Charles dated 17th June, 1895, observed that he had not resigned the land as he had simply acquiesced in the Government orders to meet off No 20 into suitable blocks and sell the same under the Land Revenue Rules. He observed that he held the title-deeds from Government of the lands (obtained by purchase from a private individual), that in the title-deeds no mention was made of any reservation of the lands otherwise than by the Proviso by which arrears of rent are recoverable and that it was contrary to his intention to resign any portion of the land and especially a portion on which he had incurred much trouble & expenditure. In the foregoing respects, Mr Oliver contended that Government had no legal right to acquire the land in any other way than

by

18. The case being a complicated one, and Mr Oliver having been absent in England until almost the close of the year, it was thought inexpedient to take any active steps or press for a solution of the several questions involved until the Deputy Commissioner should have the opportunity of a full discussion with Mr Oliver.

19. This has now taken place and the following is a note of the result of the interview, signed by Mr Oliver and myself as Deputy Commissioner

Arrears No 3530-11-9 dated 12th June 1897

"Mr Oliver claims that from June 1895, when Government announced intention of resurveying and subdividing and selling the land, no arrears should be charged Mr Oliver not being responsible for the above not being carried out, he (Mr Oliver) having acquiesced in the arrangement.

"Mr Oliver says the statement in para 2 of Mr Sparkes letter to Government of 29th

"pursuance of the policy of the Government of preserving all head-waters and water-sheds of important forest areas, it is highly expedient for Government to again take possession of Mr Oliver's property or at any rate of that portion of it lying above the newly cut Bababudan Hill road (referred to in Mr Sparke's letter of 24th March 1896, No 653)."

2. I have the honor to state that from the general acquaintance I have of the locality in question, I adhere to the above opinion and I accordingly recommend that the portion of survey No 20 lying above the newly cut Bababudan Hill road should be taken possession of by Government on account of its importance as a water-shed on an upper slope of an important forest area.

3. The total extent of survey No 20 is 7.59-11 and of this total extent I have ascertained that approximately 3.28-28 lies above the Bababudan Hill road cutting.

4. As regards the modus operandi of taking possession of the land in

question, my attention is called to the L. R. Rules, Rule No XXXVI, para 4, the latter portion of which is as follows:

"Where the forfeiture is intended not for the purpose of sale but for taking possession and otherwise disposing of the holding, previous sanction of Government shall be obtained in each case."

5. In the circumstances of the present case, I respectfully submit there appear to be some difficulties in applying the above provision. Forfeiture in the sense of confiscation of right of property is a highly penal act of procedure and only arises, as Sections 54 and 159 of the L. R. Code and Section XXXVI of the L. R. Rules show, when there are arrears of revenue and for the purpose of realizing the Government revenue. It is regarded as a necessary preliminary to the sale of a holding in the view presumably that the right of property of the land holder in the land has not terminated and is not at the disposal of Government unless and until the holding has been formally declared

"June 1896, is a mistake. Mr Oliver says he is willing to let the whole of the land go, if Government will pay him Rs 1500 of and execute arrears, otherwise he is prepared to accept the original proposal of Government viz of demarcating the land into 3 blocks and fixing it up to auction for arrears of Kandayen. Mr Oliver represents the case, rather strongly in this matter, that having purchased from a private owner for Rs 5000 in about 1880, he has been paying Kandayen (Rs 300) more or less ever since and has had no return, that as the result of a fire the land cultivated with cinchona was destroyed damaged and that the circumstances, including a previous application for a different tenure demand special consideration. About £ 3000 sterling has been spent on the property and never got one anna of profit."

every way preferable.

25. There can be no doubt that in view of the public interest and in pursuance of the policy of Government of preserving all head-waters and water-sheds of important forest areas, it is highly expedient for Government to again take possession of Mr. Alwis' property, or at any rate, of that portion of it lying above the newly cut Balabadan-Aili, road (referred to in Mr. Shipster's letter of 2nd March 1905, No 653). (12)

Serial No. 12

26. I have only remains for me to state that I think Mr. Alwis' claim to be exempted from liability to pay the Nanayam accruing since the date of the Government order, viz 2nd April 1903, to sub-divide and sell the land, is unreasonable. If this is conceded the amount of arrears due would be reduced to a sum of Rs 1923/-.

27. With the above remarks

be pleased to concede to Mr Oliver in connection with the area retained a lower rate than the one rupee per acre now chargeable, but pending the decision of Government on the principal question involved I do not press this last point.

10. A settlement in the above lines would, I respectfully submit, satisfy all the requirements of the case viz: would give back to Government so much of the land as has a permanent value for public purposes and would avoid inflicting undue hardship on a meritorious and enterprising planter, who has always most faithfully discharged his obligations to Government.

I have the honor to be

Sir

Your most obedt Servant

[signature]

Asst. Deputy Commr
Wadur District

I submit the case for the orders of Government.

I have the honor to be

Sir

Your most obedt. Servant

Deputy Commissioner

Wadiee District

79 Draft as for Council Res C

(27)

Read:- XX

Correspondence ending with docket No 465 dated 10th January 1898 from the Dy Commr, Kadugannawa District requesting final orders regarding the resumption for arrear of revenue of Survey No 20 ~~measuring~~ 7a-3r-11p cents and assessed at Rs 7-7 (~~seven rupees~~) on the Kiriwattamahé village, Udukmaya Talak, held by the Heirs of the Santaveri Estate, and the reservation of a portion thereof as being the head waters of Sri ~~Vardhana~~ ...

Section XX
Vol No 26-1894
Serial No 21

(N) Sd
A portion of this ~~survey~~ 7-3-11 has been declared under the Land Registration Regulations to be required for the Extension of the Balabarawa Hill Road - Subject to approval of Council

No 7477 29/12/95
D.F. 143-95. 9

Order thereon:-

~~On a consideration~~ In consideration of all the circumstances connected with the proposed resumption and reservation of

Survey no. 20 above, referred to, Government ~~~~ direct that Mr Oliver, the occupant of the said land, be called upon to pay up the whole of the arrears due thereon upto the year. ~~for the years 1893-94 and~~ 1894-95 ~~inclusive as shown in the margin~~, within such reasonable time as the Dy Commr may fix, and that in default of such payment, the Dy Commr should proceed to realize the arrears in the manner prescribed by the Land Revenue Code and the Rules framed thereunder. If, however, the Dy Commr considers that the said land should be forfeited for default otherwise than by Sale, he may make a reference

~~for 1893-94 — Rs 3-3 remitted~~ Rs 3 Local cess and

~~for 1894-95 — 902-15-11 collected~~ "

~~Total Rs 1856-5-3~~

such as reservation etc.,

to

82

6033
R 3639
— 1898

(28)

Section LR
File No 26-1896
Serial No 22

From The Deputy Commr Thaden Shetland

To The Secretary to Govt General and Revenue Dept

Dated 17th
Despatched 19th February
Received
General No. 57
No.

Enclosure No.

Recommending for the consideration of Government Mr Oliver's case in connection with Survey proceedings of Kavaramanai village Chitrangalam Taluk.

Re Mr Jones date regarding a request & Caveat against forfeiture. He states he wishes to acquire a portion of the land —

Kulegi 1st Feb 1898

26/2/1898

Rd 10th 27/2/98

I am rather inclined to disregard this correspondence by allowing Mr Oliver an extension through the areas already decided by the Commissioner — Land required must be acquired under the rules by Mr Oliver does not give ground for a forfeiture of this occupancy — do not think this procedure would be so costly as here (Mr Oliver 1500 Rs) 11.3.98

Read 26/2/98
Copies sent up 11/3/98

Dr 2/2
Submitted for orders.
24/2/98
24/2/98

Chikmagalur
17th February 1898

From

The Deputy Commissioner
Hedan District

To

The Secretary to Government
General and Revenue Dept.

Sir,

Replying to the order of Government No 727-77 dated 9th instant in R.P. 143-95 (serial 1247) subject of the arrears due on Mr Oliver's land survey no 20 of Kesaninamane village, Chikmagalur Taluk, in which Government after directing that the accountant be called upon to pay up the whole of the arrears due thereon up to the year 1894-95, observe "if however the Deputy Commissioner considers that the said land should be forfeited for disposal otherwise than by sale such as reservation he may make a reference to Government accordingly and obtain the previous sanction under Rule XXXVI of the Mysore Land Revenue Rules," I have the honor to invite attention to para 2 of my letter to Government No 443 dated 23rd December 1897 in which (serial 1247) I stated as follows:-

"There can be no doubt that in view of the public interests and in

forfeited by Government.

6. In the present case as I understand it, Government have been good enough, owing to the peculiar circumstances of the case, to excuse Mr Diver from paying any Kawdaym for the period subsequent to 1894-95 and have authorized me to call on Mr Diver to pay the arrears due up to 1894-95, amounting to, it may be mentioned, a sum of Rs. 2,400-3- with interest up to end of January 1895.

7. There is no reason whatever to think that Mr Diver will refuse to pay these arrears and assuming as I think may be done, that Mr Diver does pay up the arrears, the position will be this:— the lands remain in Mr Diver's holding as Mr Diver's property (letter 65 A.P. 1895) with no arrears of revenue at present due on them. This being so, the basis, viz: existence of arrears of revenue on which forfeiture ordinarily proceeds, will be wanting and Mr Diver's rights in the property being still, so far as I can see, subject to complications may arise hereafter.

8. To avoid such possible complications and in view of all the circumstances which have entailed on Mr

Oliver very considerable damage,
as explained in my letter of 23rd de-
cember last, I venture very respect-
fully to submit for the consider-
tion of Government, that it will be
advisable for Government to resume
possession of the land already cle-
ared, viz the portion above the Cala-
bar described, and, after agreeing to pay
to Mr Oliver compensation for the
portion taken in. The total sum
asked by Mr Oliver for the entire
block was Rs 1,000, being it is noted,
some what less than twice the amount
of the upset price of the land on
which Mr Oliver has already, (there are Rs 5:2-7-4 as Kandz-
jem and has, received no return.

2 The unfortunate demand on
the portion to be resumed, to Govern-
ment would be a sum of Rs 2:32.

The remaining portion of the land
being approximately an area of 43
acres would remain in possession
of Mr Oliver for such cultivation as
may be found suitable as feasible
Society in consideration of all the
circumstances, Government might

be

the Babaluden Hill road, and from what I saw, I came to the conclusion that it would be a very great pity if Government lost this opportunity of regaining possession of the Forest in Mr Oliver's Khate, considering its importance, both as a Forest Reserve and as containing the head-waters of several perennial streams and affluents of the Samavahini river, which flows through the Jagar valley and eventually joins the Bhadra at Hebbe.

4. Mr Oliver's land runs from the top of the Babaluden Hills near the Kalhatti Bungalow to below the new road, hemming in two very important streams on both sides in a descent of over 1000 feet. If turned into a Government Reserve it could eventually be tacked on to the Muttodi Forest, and thus a compact block, running from Hebbe to Kalhatti, with elevations varying from 2500 feet to 5500 feet and diverse climates, would again be in the possession of Government.

5. Mr Heera Singh, the District Forest Officer, concurs with me in thinking that it would be highly advantageous for Government to take up the whole block for reservation.

(138)

6. As stated in para 8 of this office letter No 570 dated 17th February 1898, Mr. Oliver has paid Rs 5112-7-4 to Government as Kandayem, and spent some Rs 30,000 on the property, in cultivating cinchona, without receiving any return.

7. In Proceedings No 7479 / R. 143-95 dated 9th February 1898, Government have been pleased to excuse Mr. Oliver from paying Kandayem for the period subsequent to 1894-95. The arrears for 1893-94 and 1894-95, with back interest, amounts to Rs 1,633-3-3, as detailed below.

		Rs	A	P
(1)	Arrears of interest for 1892-93	20	5	3
(2)	Kandayem for 1893-94	806	7	—
(3)	—— do —— 1894-95	806	7	—
	Total Rs	1633	3	3

Note — No interest is charged as the recovery was ordered to be held in abeyance by Government (Vide Proceedings No 17414 / R 2475 dated 12-4-95).

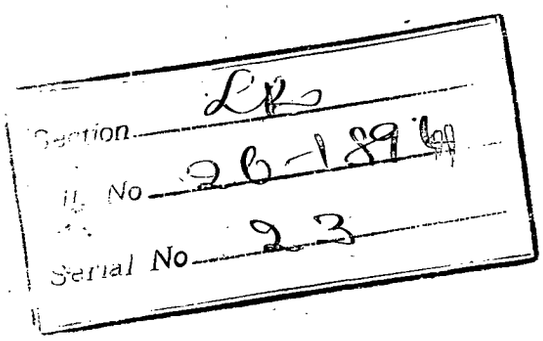
8. In the course of a conversation I lately had with Mr. Oliver, he made the following proposal:—

That Government should repay him Rs 3479-4-1, being the difference between

89 Draft in fair order.

5

(29)



Read:— Letter No 570 dated 17th February 1898, from the Deputy Commissioner Kaira District, reporting with reference to Government order No 7479/RF 143-95 dated 9th February 1898, that it is advisable for Government to resume possession of about 3 A 25 G of land out of S. No 20 of the Kesarimandvi village, Chikhaliya Taluka, in the holding of Mr Oliver, on account of its importance as a watershed on an upper slope of an important torrent area, and recommending that the said portion may be purchased from Mr Oliver at a reasonable cost of

Curio, for 2nd for Attorney-General

21/3/98

KD 2 Pm 21.3.98

Secy 22/3/98

Secy 22/3/98

Lying above the newly Cut Babubudan Hill Road

Read & Paired 22/3/98.

of Ro 6482-a-a.

Order thereon: No 2138 - 29/5/95
R.F.163-9-32: W

(Government are advised to withdraw the order passed above dated 21/3/95 and the land should be allowed)

~~intimated to close up this~~
~~correspondence letter~~
~~-ing their claim~~ and
~~afforded~~ opportunity of paying
up the arrears due on
his land ~~as already~~
~~decided in the Govern-~~
~~-ment Order referred~~
~~above~~. The land, required
for public purposes
~~to be resumed~~, may be
acquired under the
rules
Rules of the Forest Law
~~not give ground for~~
~~forfeiture of~~ his occu-
-pancy by a further default.

C
21/3/95

21/3/95 21/3/95 Secretary

To. The Dy. Comr, Kadur
District

Gl. No. 6952
R No 3779 1899

MYSORE P. W. DEPARTMENT

Section 22
File No 26-94
Serial No 26

From The Secry: to the Govt: of Mysore P.W.D

To The Secry: to the Govt: of Mysore Gb: & Rev: Dept.

Dated Bangalore, 6th May 99

Despatched

No. 411/2284

Enclosures No 2.

SUBJECT.

Forwarding copies of certain references regarding acquisition of lands taken up by the Bababudan Hill road extension & requesting to obtain early orders of Govt: for the acquisition of land in the Khata of Mr. G. R. Olivier.

9.5.99
Road
11/5.

(142)

MYSORE P. W. DEPARTMENT.

CENTRAL OFFICE,

No. 411/2284 C/2.

Bangalore, ...6... May 1899

From

The Secretary to the Govt: of Mysore P.

To

The Secretary to the Govt: of Mysore
General + Revenue Departments

SIR,

In forwarding copies of the mar
noted papers, regarding the acquisition
lands taken up by the Bababudan Hill
extension, I have the honor to invite y
attention, to para 4, clause (c) of Dep
Commissioner's no: 1344 D/- 12 Ult. Ultimo; a
request that you will be so good as to o
the early orders of Government for the ac
of the lands in the Khata of Mr. G. R. Cl

I have the honor to
Sir,
Your most obedient
Jas Campbell
Secretary to the Govt

(1) Kadur Dep: Comr's letter no: 1344 D/- 12/4/
(2) This office no: 408/2281 D/- 6-5-99

91

Section L

Ill. No 26-94

Serial No 214

9 Aug 1898

Aug 5th 98.

G. Krishna Iyer Esqr

Private Secretary to

The Division of Coimbatore.

Dear Sir -

I should feel much obliged if you could kindly arrange an interview for me with the Divisn. The subject on which I wish to speak is of No 20 Kaimukkanam Village Chickarayapuram Taluq -

Yours faithfully

G. A. Oliver

Mem address C/o Col Campbell-Walker

in the above numbers is 26 guntas and 11 yards. The road zigzags through this portion of the Estate and through very fair coffee. The old ditches & young Coorgo were in good order. This is well worth Rs 200/- per Acre. Therefore the amount of Compensation to be paid is Rs 130/- thus making a total of Rs 180/-. Abdul Rahim Khan, son of Abdulla Khan, being present agreed to the above award.

(c) Imas Khan. The extent taken up in S.No: 25 of the Melinahulhatti village is A.G. R. 1-3-33. The above land is Jungle and has not been cultivated. The Jungle is not very good, and in the present depressed state of the coffee industry is not worth more than Rs 50/- per Acre. Compensation at Rs 50/- per Acre amounts to Rs 53-12-0. Khateda Imas Khan was present and stated he had sold his land to one Burhanudin Khan, who was also present. Both parties agreed to the above award.

(d) Mr. Sidney Smith. The extent of land taken up in S.No: 16 of the Melinahulhatti village is A-R-G 2-7-99. None of the land is planted The Jungle is good, but is not fit for coffee cultivation, as it is at a high elevation & exposed to the full force of the South west monsoon. The Jungle in the present depressed state of the market is not worth more than Rs 50/- an acre. The value of the land also is very greatly enhanced by the extension of the Bababooden Hill road.

Compensation

(140)

compensation at Rs 50/- an acre for 2 1/5 acres amounts to Rs 110/-. Mr Smith, in his letter of 9th June 198, agrees to any compensation fixed by the Deputy Commissioner, and asks that the amount may be kept in deposit pending disposal of a Civil suit instituted by him with regard to the above land.

(6) The road takes up 7- a. 0- g. 10 y. in S. No: 20 of the Meerimmane village, which is in the Khata of Mr. G.R. Oliver. Mr Oliver in his letter of 17th June 198 to the Chikmagalur Amildar states that the matter of compensation may stand over until the long pending question of reserving this No:, which is now before Government has been finally settled.

5. It will be seen from the above that compensation of Rs 393/12/- has now to be paid, and I would request Government to accord sanction to the disbursement of the above amount to the persons claiming the titles to the lands in question, when they have proved their right and title. Until which time the amount will be held in deposit.

Most of the lands are reported to be encumbered.

I have &c

Sd/- F. C. Cage

Dy: Commissioner

Kadur Dt:

92

Surbeau Montpelier

Herewith I send you the pte - the [illegible] disposed of by Council during the [illegible] absence on leave

8/8/98

X Have no copy papers in this Section

8/8/98

Re Draft as per orders.

32

149

Read again:—

Section LR
File No 26-1896
Serial No 27

Government Pro:

No 7479 dated 9th Feb
R.F. 143-95

-ruary 1898, directing that Mr. Oliver, the occupant of Survey No 20 of the Kesavenamane' village, Chikmaglur Taluk, be called upon to pay up the whole of the arrears due thereo up to the end of the year 1894-95 within a reasonable time to be fixed by the Deputy Commissioner, and that in default, the arrears be realized in the manner prescribed by the L. R. Code and the Rules framed there -under.

Also:- Government Pro
No 9088 dated 22nd
R.F. 11.3-95 . Mare

rch 1898, declining to reconsider the above order, and observing that the land required out of Sur: No 20 for Government purposes might be acquired under the rules, unless Mr Oliver forfeits his occupancy by a further default.

Read:— Letter No 167 dated 20th September 1898, from the Deputy Commissioner, Kadur District, submitting a revised proposal for the resumption of Survey No 20.

Order thereon:— No 8364 & 15/5/98
The Government R.A. 143-95 15/5/98
sanction the arrangement which the Deputy Comr proposes to effect with Mr Oliver, for the resumption of Sur:

93

REVENUE DEPARTMENT
Gl. No. 2204
SEP 24 1898
Gl. No. 1266
DEWAN'S OFFICE

30

189 6

From The Deputy Commr
Madura District

Section LR
No 26—94
Serial No 25

To The Secretary to Govt.
General and Revenue Dept.

Dated 20th

Despatched 21st September

Received

General No. 167
No.

Enclosure No.

Requesting for reconsideration and favorable orders, for reasons set forth, the question of fixing assessment, survey No 20 of the Kavanimane village Chinnagalur Taluk, assessed on Mr. J. P. Oliver, by increasing him Rs 3+7 9-4- fixed as Kandayam.

Subd 20-10-98
5-10-98

Mr Oliver's
Compensation
has been reduced
greatly. To acquire
back the whole land
for Rs 3479-4-1
which originally
is the Dy Com's
recommendation
I request a
reconsideration
may be sanctioned

17.10.98

Ref Collector's
Subdivl. -
Does not apply
to before
Collection

19-10-98
Mr Oliver
19.10.98

Draft Subd
20.10.98

Submitted for orders - M
5/10/98

Chikmagalur
20th September 1898

From

F. E. C. Carr Esquire
Deputy Commissioner
Kadur District

To

The Secretary to Government
General and Revenue Dept

Sir,

With reference to correspondence ending with G.O. No 2088 dated 22nd March 1898 regarding the arrears due by Mr G. R. Oliver on land survey No 20 of the Kesavinamane village, Chikmagalur Taluk I have the honor to resubmit the question for reconsideration and favorable orders of Government.

2. My predecessor, Mr Weir has in para 25 of his letter No 442 dated 23rd December 1897, stated "there can be no doubt that in view of the public interest and in pursuance of the policy of the Government of preserving all the head-waters and water sheds of important forest areas, it is highly expedient for Government to again take possession of Mr Oliver's property."

3. In April last, when at Balhatti, I took an opportunity of viewing this land in connection with my inspection of the land taken up for the extension of

the

JG 22 98
70 260

153

1899-1900

From The Deputy Commissioner
Kadur District

To The Secretary to the
Government of Mysor
Genl and Rev. Depts.

Section LR
File No 26-1894
Serial No 28

Dated 29th July 1899.

Despatched 30 July 1899.

Received 1 August 1899.

General No. 56
No.

Enclosure No. one

Forwarding for sanction and transmission to the Comptroller for audit a refund bill for Rs 3479-4- in favour of Mrs G R Clin

---

H D Watts
2 N
22.8.99
File pump.
28/8/99.
25 SII

Subd with draft
25/8

1899-1900

154

Kadur District

No 56

Deputy Commissioner's Office
Camp Yedahalli, July 29th
1899

From

The Deputy Commissioner
Kadur District

To

The Secretary to the
Government of Mysore
Genl- and Rev. Depts-

Sir,

With reference to Government Order No 8364 of the 15th May 1899, R.F. 143-95 directing the resumption of Survey No. 20 of the Kesavinamane village in the Chikmagalur Taluk on payment of Rs 3479-4-1 to Mr G. R. Oliver, the holder, I have the honor to forward herewith for sanction and transmission to the Comptroller for audit a bill for Rs 3479-4-1 being the amount to be refunded to Mr Oliver.

I have the honor to be
Sir,
Your most obedient Servant

Deputy Commissioner
Of Kadur

between the full amount paid by him since 1883 as Kandayam, viz: Rs 5712-7-4, and the sum due by him to Government for the years 1893-94 and 1894-95, viz: Rs 1633-3-3; he agrees to give, relinquishing the whole property, namely 700 odd acres of forest with about 20 acres of fine Cinchona, to Government.

5712-7-4
1633-3-3
3479-4-1

9. This arrangement would leave both parties in precisely the same position that they held in the year 1882-83 with the property practically unharmed, and with a virtually squared account.

(Now sanctioned by Govt. Order dated 6th May 1899)

10. As a final solution of a long standing difficulty I very respectfully submit that, in my opinion, the above proposal appears to be in every way practical and to the advantage of both parties concerned

Government regains (7)

Government, therefore, possession of a block of forest which should never have left their hands, and Mr. Oliver is merely reimbursed the amount he has

Chief Government since 1883.

I have the honor to be,

Sir,

Your most obedient servant,

[signature]

Deputy Commissioner

No: 1344 of 12 April 99.

GOVERNMENT HOUSE

From

F. C. Carr Esquire

Deputy Commissioner

Kadavu District

To

The Secretary to Government

Public Department

Sir,

With reference to para 2 of your letter No: 237/5221 of 12th September 98, I have the honor to state that whilst at Ongea Levu, I took the opportunity of inspecting, in company with the District Magistrate Talemi Ravilala, the several lands in the Mellia Mbelevatu and Kasavia native villages of the Chief Magistrate Talemi, though which the first section of the external of the Salabeda Hill Road passes. None of the holders were present at the time of my inspection.

2. Under section 9 of the Land Acquisition Regulation, Act 7 of 87, a notice was issued to the parties to appear before me at Chief Magistrate on the 23rd March 99, the final date of hearing and settling compensation; and only two were present.

3

3. I beg to submit for the information and sanction of Government the awards made by me, as noted below:-

	Rs.	as.	ps
1. Sirs Ganda	50	0	0
2. Abdulla Khan	180	0	0
3. Ibas Khan	53	12	0
4. D. Smith	110	0	0
Total	393	12	0

1. (a) Sirs Ganda. The extent of the land taken up in S.No: 45 of the Medimahaleatte village is 19 yards - 52 yards or about ½ an acre. The land has also a certain amount of damage to the coffee, but the coffee also is a badly neglected condition and is only used as a compensation of Rs 50 has therefore been fixed for half an acre. The notice was duly served on Sirs Ganda, but he failed to put in an appearance and to object to this award if he desired to do so.

(b) Abdulla Khan. The extent of the land taken up in S. No: 40, 41 & 42 of the Medimahaleatte village by the Mit Bund, which was badly cut and the area taken is about ½ an acre. The trees planted through the coffee and also jungle, worth about Rs 180 an acre. Compensation fixed is Rs 180

The extent taken up by the above land

in

105

No: 408/2281 Dt: 6 May 99.

From

The Secretary to the Govt: of Mysore Revd

To

The Deputy Commissioner,
Kadur District.

Sir,

With reference to your letter No: 344 dt: 8 April, I have the honor to convey herewith the payment of the Enhancement of Rs 393-12-0 awarded by you etc — account of the lands taken up in Chik. — Magalur Taluk for the extension of the Baballadan Tank Road, and to request you that the amount may be debited to this Department for adjustment through the Comptroller of Mysore. A receipt copy of this letter will be sent.

2. The Govt Secretary will be addressed by this office to obtain the early issue of Government for the acquisition of the land (measuring 7-16-30) A.G. in Serial No: 20 of the Kesavinnarane Village

No 56

Village, district & State of Mysore

G. L. Oliver.

Adjt. General Campbell's Off.

Secrets Office Govt. of Mysore

P.W.D

"Copies"

Lieut. Smith Colonel

Secretary to the Govt. of Mysore

P.W.D

Bangalore
6/5/99.

Sur: No 20 of the Kesavin-
-mane' village, Chikmagalur
Taluk, namely; that Govt
should repay Mr Oliver,
Rs 3,479-4-1, being the
difference between the
full amount of kanda-
-yam, viz, Rs 5,112-7-4 paid
by him since 1883 and the
arrears due by him to
Government for the
years 1893-94 and 1894-95,
viz, Rs 1633-3-3, and that
Mr Oliver on his part
should relinquish to
Government, the whole
of Sur: No 20, measuring
700 odd acres of forest
with about 20 acres
under cinchona.

2. The Deputy Com-
-missioner is accordingly requested
to take early steps to
refund the amount of
Rs 3,479-4-1 to Mr
Oliver and take possession
of

of and duly exercise the
land. The reservation
should be noted in the
village Khatwar. No
portion of this land
should again be given
out for private occu-
-pancy.

Dewan's Order) sd
15/5/44
for Secretary

To.
The Dy Comr
Kadur District.

Copy forwarded No. 8365
to the Secy to Govt
for Mysore
P.W.D. with
reference to his
letter No. 411
2284
dt 6th May 1944.
sd 15/5/44
for secretary

113 Proceedings of the Court of Mysore

54

Read

Letter No. 56 dated 29 July 1899 from the Deputy Commissioner, Shimoga, submitting for sanction a refund bill in favor of Mr. E. R. Oliver of Mukkatira Estate in the Tirthahalli Taluk for Rs 3477-4 being the difference between the full amount of Kandayam for 23. Rs 5712-7-4 paid by him since 1883 and the amount due by him for the years 1893-94 and 1894-95 viz Rs 1653-3-3 in consequence of his relinquishing 4 Kanis, the whole of Survey No. 20 of the Kesarmane village, Thirthahalli Taluk as ordered in G.O. No. 8364 dated 15th May 1899 RF. 143-95

Order Recorded:

Returned

25/8/99

for Secy

To the Dy. Comm: Shimoga
Comptr: with Refce

Revenue Department
Land Revenue
Date 25/8/1899
No. 1752-3
R.F. 143-95